



ZONING ORDINANCE

MARSHALL COUNTY,
MISSISSIPPI

Adopted December 15, 2025

BOARD OF SUPERVISORS:

District 1, Goston “Redd” Glover
District 2, Johnny Walker
District 3, Terry Rodgers
District 4, George Zinn, III
District 5, Neil Bennett

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Prepared By:

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**A RESOLUTION ADOPTING A ZONING ORDINANCE
FOR MARSHALL COUNTY, MISSISSIPPI**

WHEREAS, the Statutes of the State of Mississippi, Section 17-1-1 to 17-1-27, inclusive, of the **Mississippi Code of 1972**, annotated, as amended, empower Marshall County, Mississippi, to enact a Zoning Ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, Section 17-1-9 of the **Mississippi Code of 1972**, annotated, as amended, states that "zoning regulations shall be made in accordance with a comprehensive plan, and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; 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

WHEREAS, Section 17-1-1 of the **Mississippi Code of 1972**, annotated, as amended, defines the term "comprehensive plan" as "a statement of public policy for the physical development of the entire municipality or county adopted by resolution of the governing body, consisting of the following elements at a minimum: (1) goals and objectives for the long-range (twenty to twenty-five years) development of the county or municipality---; (2) a land use plan---; (3) a transportation plan---; and (4) a community facilities plan---"; and

WHEREAS, Section 17-1-11 of the **Mississippi Code of 1972**, annotated, as amended, states that "the governing authority of each municipality and county may provide for the preparation, adoption, amendment, extension and carrying out of a comprehensive plan---;" and

WHEREAS, the Board of Supervisors has adopted by resolution a Comprehensive Plan, following public hearings relative to the same; and

WHEREAS, the Board of Supervisors has divided the County into districts and adopted regulations pertaining to such districts, and has given reasonable consideration, among other things, to the character of the districts and their particular suitability for particular uses, with a view to conserving the value of property and encouraging the most appropriate use of land throughout the County; and

WHEREAS, the Board of Supervisors has given due public notice of a hearing relating to said zoning ordinance and map and has held a public hearing in accordance with the requirements of Section 17-1-15 of the **Mississippi Code of 1972**, annotated, as amended, on November 17, 2025:

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Marshall County Board of Supervisors, as follows:

1. The statements, matters, facts, findings, determinations, and things recited hereinabove are hereby declared to be true and correct and are adopted as official findings and facts of the Governing Authority of Marshall County and are approved and re-asserted as if fully set forth herein; and
2. That the "Marshall County Zoning Ordinance, 2025" is hereby adopted as the zoning ordinance of Marshall County, Mississippi, and shall apply to the areas of land within the unincorporated jurisdiction and boundaries of Marshall County, Mississippi, and further, the same is incorporated herein in its entirety as if fully set forth herein and that a true and correct copy of the "Marshall County Zoning Ordinance, 2025" is on file with the Chancery Clerk of Marshall County, Mississippi, and can be obtained therefrom.

SO RESOLVED this the 15th day of December 2025.

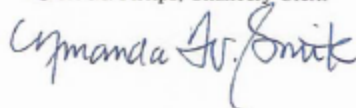
APPROVED:

By: 
George Zimm, Board President



ATTEST:


Nicole M. Phelps, Chancery Clerk



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ARTICLE I TITLE AND PURPOSE

SECTION 1 – Title

This Ordinance shall be known as the “Marshall County Zoning Ordinance, 2025” and may be so cited.

SECTION 2 – Purpose

The purpose of this Ordinance is to preserve and promote the public health, safety, morals, and general welfare of the citizens of Marshall County and the public generally through the regulation of: the location, height, number of stories, size of buildings and other structures; the density and distribution of population, size of yards and other open spaces; and the use of buildings, structures, and land for commercial, industrial, residential and other purposes.

ARTICLE II INTERPRETATION AND DEFINITIONS

SECTION 1 – Interpretation

In interpreting and applying the provisions of this Ordinance, its provisions shall be held to be the minimum requirements for the promotion of public health, safety, and general welfare. Where this Ordinance imposes greater restrictions than are required by other Ordinances or statutes, the provisions of this Ordinance shall govern. Where other Ordinances or statutes impose greater restrictions than this Ordinance, they shall govern.

SECTION 2 – Definition of Words and Phrases

- A. Rules for words and Phrases. For this Ordinance, certain words or terms used herein shall be interpreted as follows:
1. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
 2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
 3. The word “shall” is mandatory; the word “may” is permissive.
 4. The words “used” or “occupied” include the words “intended,” “designed,” or “arranged to be used or occupied.”
 5. The word “structure” includes the word “building” as well as other things constructed or erected on the ground, attached to something having a location on the ground, or requiring construction or erection on the ground.
 6. The word “land” includes “marsh” or “swamp.”
- B. Definitions
1. Accessory use or Structure – A use or structure of a nature customarily incidental and subordinate to the principal use or structure, and unless otherwise provided, on the same premises or an adjoining lot in the same ownership.
 2. Administrative Official – The person or persons appointed or designated by the Board of Supervisors to administer this Ordinance, whether their title be Building Official, Building Inspector, Zoning Administrator, Planning Director, or other designation.
 3. Adult Entertainment Use (or Activity or Establishment): An adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, or similar establishment which regularly features or depicts behavior which is characterized

by the exposure of "specified anatomical areas" (as defined by this Ordinance), or where any employee, operator or owner exposes his/her "specified anatomical area" for viewing of patrons. Such adult entertainment uses may further be defined as follows:

- a. Adult Arcade: An establishment where, for any form of consideration, one or more motion picture projectors, or similar machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by emphasis upon the depiction or description of "specified sexual activities" (as defined by this Ordinance) or "specified anatomical areas."
- b. Adult Bookstore: An establishment which has as a substantial portion of its stock-in-trade and offers for sale for any form of consideration any one or more of the following:
 - i. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slide or other visual representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas," or
 - ii. instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."
- c. Adult Cabaret: A nightclub, bar, restaurant, theater, or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified anatomical areas" or by "specified sexual activities."
- d. Adult Motel: A motel or similar establishment which includes the word "adult" in any name it uses or otherwise advertises the presentation of adult material, offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified anatomical areas" or by "specified sexual activities."
- e. Adult Motion Picture Theater: An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or other

photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified anatomical areas" or by "specified sexual activities."

4. Agricultural Use– any facility or production site for the production and processing of crops, or products thereof, livestock, or products thereof, farm-raised fish and fish products, livestock products, honeybees, honey and other products of the beehive, wood, timber or forest products, fowl or plants for breeding or sales and poultry or poultry products for commercial or industrial purposes.
 - a. Agricultural use includes the use of farm machinery, equipment, devices, chemicals, products for agricultural use, materials, and structures designed for agricultural use and used in accordance with best agricultural management practices and are in compliance with any applicable state and federal permits.
 - b. Agricultural use also includes those accepted customs and standards established and followed by similar agricultural operations under similar circumstances.
5. Agricultural Structure – a structure, building, facility, or improvement designed and used solely in connection with agricultural uses. This includes barns, silos, stables, greenhouses, equipment sheds, and similar structures used for storage, sheltering of animals or equipment, or processing of agricultural products, provided such structures are used in accordance with best agricultural management practices and comply with applicable state and federal permits.
6. Altered or Alteration – Any change in the size, shape, occupancy, character, location, or use of a building or structure.
7. Automobile Fueling Station - A facility primarily engaged in the retail sale of motor vehicle fuels, including gasoline, diesel, or alternative fuels, to passenger vehicles, motorcycles, and light-duty trucks. Limited accessory sales of automotive products and convenience goods may be provided. Facilities for heavy truck fueling, heavy truck parking or staging, and overnight parking of any vehicle are prohibited.
8. Bed and Breakfast – A residential structure containing a limited number of rooms, or a series of rooms, intended to be occupied for a short-term duration by persons not residing within such building and where the owner customarily furnishes breakfast. The term bed and breakfast shall not include any hotel, motel, or boarding house.
9. Board of Supervisors – The Marshall County Board of Supervisors.

10. Board of Adjustment – The Marshall County Planning Commission shall act in this capacity and shall have all the powers and duties enumerated in ARTICLE VI, Administration and Enforcement.
11. Buffer Area – An area set aside to remain open and vacant and to be planted and landscaped to reduce the blighting effect of commercial or industrial uses adjacent to residential districts.
12. Building – Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property. The foundation shall also be considered an integral part of the building or structure.
13. Building Code – Any or all of the building or construction codes, as amended, which the Board of Supervisors has adopted.
14. Building Height – The vertical distance measured from the average ground elevation to the highest point of the roof.
15. Building Permit – A permit issued by the Administrative Official for the construction or alteration of any building or structure.
16. Building Setback Line – The setback line from the street or road right-of-way and other side and rear property lines beyond which a building shall not extend.
17. Cannabis - All parts of the plant of the genus cannabis, the flower, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin, including whole plant extracts. Such term shall not mean cannabis-derived drug products approved by the federal Food and Drug Administration under Section 505 of the Federal Food, Drug, and Cosmetic Act.
18. Cannabis cultivation - A business entity licensed and registered by the Mississippi Department of Health that acquires, grows, cultivates and harvests medical cannabis in an indoor, enclosed, locked and secure area.
19. Cannabis disposal entity - A business licensed and registered by the Mississippi Department of Health that is involved in the commercial disposal or destruction of medical cannabis.
20. Cannabis processing facility - A business entity that is licensed and registered by the Mississippi Department of Health that:
 - a. Acquires or intends to acquire cannabis from a cannabis cultivation facility;
 - b. Possesses cannabis with the intent to manufacture a cannabis product;

- c. Manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and
 - d. Sells or intends to sell a cannabis product to a medical cannabis dispensary, cannabis testing facility or cannabis research facility.
- 21. Cannabis products - Cannabis flower, concentrated cannabis, cannabis extracts and products that are infused with cannabis or an extract thereof and are intended for use or consumption by humans. The term includes, without limitation, edible cannabis products, beverages, topical products, ointments, oils, tinctures and suppositories that contain tetrahydrocannabinol (THC) and/or cannabidiol (CBD) except those products excluded from control under Sections 41-29-113 and 41-29-136 of the Code of Mississippi.
- 22. Cannabis research facility - A research facility at any university or college in this state or an independent entity licensed and registered by the Mississippi Department of Health pursuant to this chapter that acquires cannabis from cannabis cultivation facilities and cannabis processing facilities in order to research cannabis, develop best practices for specific medical conditions, develop medicines and provide commercial access for medical use.
- 23. Cannabis testing facility - An independent entity licensed and registered by the Mississippi Department of Health that analyzes the safety and potency of cannabis.
- 24. Cannabis transportation entity - An independent entity licensed and registered by the Mississippi Department of Health that is involved in the commercial transportation of medical cannabis.
- 25. Commission – The Marshall County Planning Commission, as appointed by the Board of Supervisors.
- 26. Coverage – The percentage of lot area that is occupied by any building, structure, or part thereof.
- 27. Conforming Use, Structure, or Lot – Any use, structure, or lot that complies with the provisions of this Ordinance.
- 28. Detached Dwelling – a single-family dwelling.
- 29. District, Zoning – The various zoning districts within which specific regulations apply pursuant to the provisions of this Ordinance.
- 30. Dwelling – A building or portion thereof, designed and used for residential occupancy and containing a minimum of eight hundred (800) square feet of heated area, constructed, assembled, or installed as a permanent residence in

accordance with building codes, but not including a tent, seasonal quarters, manufactured home, modular home, a room in a hotel, motel, boarding house, or bed and breakfast.

31. Dwelling, Single-Family – A detached building, which is not a manufactured or mobile home, that is designed, arranged, used for, or occupied exclusively as a dwelling unit by one (1) family and containing a single dwelling unit.
32. Dwelling, Two Family – A detached building designed, arranged, used, or occupied exclusively to provide dwelling units for two (2) families living independently of each other and containing two dwelling units.
33. Dwelling, Multi-Family – A building or portion thereof used or designated to provide dwelling units for three (3) or more families living independently in separate dwelling units.
34. Dwelling Unit – One or more rooms constituting all or part of a dwelling, which are occupied or intended to be occupied as a residence by one family living independently and providing separate and complete facilities for sleeping, cooking, and sanitation. No dwelling unit shall contain less than three hundred (300) square feet of habitable living space.
35. Easement – A grant of a right permitting the crossing of private property with facilities such as sewer, water, gas, power, or telephone lines, or gaining access to property or utilities.
36. "Edible cannabis products" means products that:
 - a. Contain or are infused with cannabis or an extract thereof;
 - b. Are intended for human consumption by oral ingestion; and
 - c. Are presented in the form of foodstuffs, beverages, extracts, oils, tinctures, lozenges and other similar products.
37. Family – One or more persons living together and maintaining a common household in a dwelling unit.
38. Forestry Use – any activity associated with the reforestation, growing, managing, protecting, and harvesting of timber, wood, and forest products, including for nongame species.
39. Forestry Structure - a building, facility, or improvement designed and used solely in connection with forestry uses. This includes timber storage buildings, equipment shelters, and facilities used in forestry operations.

40. Home Occupation – An occupation conducted entirely in a dwelling unit, provided that:
- a. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes and shall under no circumstances change the residential character thereof.
 - b. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two (2) square feet in area, non-illuminated, mounted flat against the wall of the principal building.
 - c. No home occupation shall be conducted in any accessory building.
 - d. No home occupation shall occupy more than fifty (50) percent of the first floor area of the residence.
 - e. 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 met off the street and other than in a required front yard.
 - f. No equipment or process shall be used in such a home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used that creates a visual or audible interference in any radio or television receivers off the premises.
41. Junk Yard, Salvage Yard or Open Storage – A lot, parcel of land, or structure or part thereof, used primarily for the collection, storage and/or sale of wastepaper, rags, furs, hides, scrap metal, or discarded material, or for the collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.
42. Loading Space, Off Street – Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as an off-street parking space in the computation of the required off-street parking space.
43. Lot – A piece, parcel or tract of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with such open space as required by this Ordinance and having frontage on a public street or road.

44. Lot Area – The computed area contained within the lot lines.
45. Lot Depth – The mean horizontal distance between the front and rear lot lines.
46. Lot Frontage – the portion of the lot nearest to and adjoining the right-of-way of the street or road. For the purposes of determining yard requirements on corner lots and through lots, all portions of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated in the district regulations.
47. Lot Lines – The property lines bounding the lot.
48. Lot Line, Front – The property line(s) separating the lot from the street or road right-of-way. Each such line shall be considered a front lot line on corner and through lots.
49. Lot Line, Rear – The lot line(s) opposite and most distant from the front lot line. Rear lot lines on corner lots shall be treated as side lot lines for the purposes of yard and setback requirements.
50. Lot Line, Side – Any lot line other than a front or rear lot line. A lot line separating a lot from a street or road is considered a front lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line. Rear lot lines on corner lots shall be treated as side lot lines for the purposes of yard and setback requirements.
51. Lot of Record – A lot or parcel of land which is part of a subdivision or described by metes and bounds, the plat or deed of which has been recorded in the Office of the Chancery Clerk of Marshall County prior to the adoption of this Ordinance.
52. Manufactured Home - A factory built residential structure, transportable in one or more sections on or by a separate vehicle, built on a permanent chassis without a permanent hitch, that is defined by, and constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 USCS 5401 et seq.), and manufactured after June 14, 1976, designed to be used as a residence for a single family.
53. Manufactured Home Park - Any lot, parcel, or premises, under one ownership, designed, maintained, intended, or used to supply a location or accommodation for two (2) or more manufactured homes to be used as a residence when connected to electrical lines, water, and/or sewer pipes. For the purpose of this Ordinance, any lot or premises used for the wholesale or retail sale of mobile homes shall not be included within this definition.
54. Medical cannabis -Cannabis, cannabis products and edible cannabis that are intended to be used by registered qualifying patients as provided in this chapter.

55. Medical cannabis dispensary - An entity licensed and registered with the MDOR that acquires, possesses, stores, transfers, sells, supplies or dispenses medical cannabis, equipment used for medical cannabis, or related supplies and educational materials to cardholders.
56. Medical cannabis establishment - A cannabis cultivation facility, cannabis processing facility, cannabis testing facility, cannabis dispensary, cannabis transportation entity, cannabis disposal entity or cannabis research facility licensed and registered by the appropriate agency.
57. Modular Home - A factory-built residential structure designed and constructed with components manufactured and transported to a site to be constructed, assembled, or installed as a permanent residence in accordance with building codes. The minimum size of such dwellings shall not be less than eight hundred (800) square feet in heated area.
58. Nonconforming Use, Structure or Lot- a lot, building, structure, or use of a building or structure or premises, legally existing or used at the time of adoption or amendment of this Ordinance, which does not conform to the regulations prescribed by the Ordinance.
59. Nursery - Any portion of a building or lot used for the cultivation, growing of shrubs, plants, and/or trees for the purpose of sale.
60. Nursery School - A building used exclusively or in part for the daytime care and education of pre-school children and including all accessory buildings and play areas.
61. Parking Space, Off-Street- For the purpose of this Ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.
62. Planning Commission -The duly appointed Commission appointed by the Marshall County Board of Supervisors. The Planning Commission shall also act as the Board of Adjustment.
63. Premises - A lot together with structure or structures thereon.
64. Public Building- A building owned or used exclusively by the city, county, state, or federal government.
65. Public Utility - Any person, firm, corporation, municipal department, or board duly authorized to furnish such public services as electricity, gas, water, sewer, telephone, telegraphy, transportation, or other services to its subscribers or customers.

66. Recreational Vehicle (RV) -A self-propelled motor home, travel trailer, truck camper, or camping trailer used as temporary living accommodations for recreational, camping, and or/travel use.
67. Recreational Vehicle Park- A parcel of land designed and used for the temporary parking of recreational vehicles.
68. Semi-Public Building - Any building whose principal purpose is for religious, educational, or charitable usage.
69. Sign – See Article VI Sign Regulations for relevant definitions
70. Solar Power Generation Facilities – a device, array of devices, or structural design feature, the purpose of which is to convert solar energy directly into electricity, the primary components of which are solar panels, mounting devices, inverters, and wiring that are mounted on a rack, pole, or other structure attached to the ground.
71. Special Exception - A special exception, as used in this Ordinance, may be granted by the Planning Commission and is limited to those special exceptions specifically set forth in this Ordinance. A special exception is a use that would not be appropriate or generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare.
72. Specified Anatomical Areas: Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or less than 50% of the female breast below a point immediately above the areolae; or human male genitals in a discernibly turgid state even if completely and opaquely covered.
73. Specified Sexual Activity: Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts; flagellation or torture in the context of a sexual relationship; masochism, erotic or sexually oriented torture, beating or the infliction of physical pain; erotic touching, fondling or other such contact with an animal by a human being; or human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in this section.
74. Structure - Anything constructed or erected that requires location on the ground or attached to something having location on the ground.
75. Townhouse (or Row House) - a dwelling constructed in a series or group of attached dwelling units with common walls between units.

76. Truck Fueling Station – A facility primarily designed and intended for the fueling of heavy trucks, tractor-trailers, or other commercial freight vehicles. Such facilities may include multiple high-capacity fuel pumps for diesel or alternative fuels and may also include automobile fueling pumps and limited accessory sales of automotive products and convenience goods. Overnight parking, shower facilities, or other extended/overnight-stay amenities shall not be permitted unless approved as part of a Truck Stop (Travel Center).
77. Truck Stop (Travel Center) - A facility providing fueling and services primarily for heavy trucks and tractor-trailers, and secondarily for passenger vehicles. In addition to truck fueling, such establishments may include extended/overnight truck parking or staging areas, truck-related maintenance and service, shower and restroom facilities, sit-down or fast-food restaurants, convenience goods, and other traveler amenities.
78. Variance - A variance is a relaxation of the terms of the Zoning Ordinance by the Board of Zoning Adjustment, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, areas and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformity in the zoning district or uses in an adjoining district.
79. Vegetable or Fruit Stand - A temporary structure with a floor area of not more than 400 square feet, unenclosed or partially enclosed, and so designed and constructed to be easily portable, whose exclusive use is for the temporary sale of fresh vegetables and/or fruits.
80. Yard- A required open space at grade between any building and the adjoining lot lines, which is unoccupied and unobstructed by any portion of a building from the ground upward and extends across a lot between lot lines.
81. Yard, Front - A yard located in between a building and a street line, unoccupied and unobstructed by any portion of a building or structure, except fences and walls, from the ground upward, and extending across a lot between the side lot lines. On corner lots, front yards shall be provided for each frontage.
82. Yard, Rear - A yard extending across the rear of a lot measured between inner side yard lines, unoccupied and unobstructed by any portion of a building from the ground upward.

83. Yard, Side - A yard between the building and the side lines of the lot unoccupied and unobstructed by any portion of a building from the ground upward and extending from the front building line to the rear lot line.
84. Zero Lot Line Development – the placement of a two-family or multi-family dwelling on a lot such that one or more of the building's side or interior walls are located on a lot line.

ARTICLE III ZONING DISTRICT REGULATIONS AND ZONING MAP

SECTION 1 – Zoning Districts

Marshall County is hereby divided into the following “Zoning Districts”

- A Agricultural District
- A-R Agricultural-Residential District
- R-E Residential Estate District
- R-1 Low Density Residential District
- R-2 Medium Density Residential District
- R-3 High Density Residential District
- C-1 Neighborhood Commercial District
- C-2 Highway Commercial District
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- FP Floodplain Overlay District

SECTION 2 – Zoning Map

The zoning districts set forth in ARTICLE III are delineated on a map entitled “Official Zoning Map of Marshall County, Mississippi, 2025.” The zoning map is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning Map shall be signed by the President of the Board of Supervisors and attested to by the Chancery Clerk. The Official Zoning Map shall be kept up-to-date as amendments are made and shall be kept in the office of the Administrative Official.

SECTION 3 – Rules for Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Maps, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of roads, streets, highways, alleys, or railroad tracks shall be construed to follow such center lines of roads, streets, highways, or alleys, or the center lines of main railroad tracks or rights-of-way.
- B. Boundaries indicated as approximately following property lines shall be construed as following such property lines.

- C. Boundaries indicated as approximately following section lines shall be construed as following such section lines.
- D. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- E. Boundaries indicated as parallel to, or extensions of features indicated in subsections one (1) through (4) above shall be so construed. Distances not specifically indicated on the Official Zoning Maps shall be determined by the scale of the maps.
- F. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Maps or in other circumstances not covered by the subsections above, the Board of Adjustment shall interpret the district boundaries.

SECTION 4 – A-Agricultural District

A. Permitted Uses:

1. Agriculture and forestry.
2. Bed and breakfast facilities provided that the owner or manager of such facilities resides upon the premises; meals are provided only to registered guests; sufficient off-street parking is provided to accommodate both occupants and guests; parties, meetings, receptions, clubs or other unrelated activities shall be prohibited; the building housing such bed and breakfast facility shall have some historical, cultural or architectural feature(s) which make the structure suitable as a bed and breakfast.
3. Churches and church facilities.
4. Country clubs and/or golf courses.
5. Governmental uses or facilities necessary for the operation of any governmental entity or public utility, except those uses specifically enumerated as permitted by special exception.
6. Home occupations.
7. Manufactured homes
8. Modular homes
9. Nurseries and greenhouses
10. Parks and playgrounds
11. Public or private schools

12. Signs, except off-site advertising signs
13. Single-family dwellings.
14. Temporary vegetable and fruit stands.
15. Veterinary clinic and/or boarding kennels, provided the structure or pens are at least 250 feet from any adjacent property line
16. Cannabis Facilities when no dwelling is present
 - a. Cannabis Micro Cultivation Facility Tiers 1-2
 - b. Cannabis Cultivation Facility Tiers 1-6
 - c. Cannabis Micro Processing Facility Tiers 1-2
 - d. Cannabis Processing Facility Tiers 1-6
 - e. Cannabis Research Facility
 - f. Cannabis Testing Facility

B. Uses permitted by Special Exception

1. Airports or landing strips.
2. Cannabis Facilities when dwelling is present
 - a. Cannabis Micro Cultivation Facility Tiers 1-2
 - b. Cannabis Cultivation Facility Tiers 1-6
 - c. Cannabis Micro Processing Facility Tiers 1-2
 - d. Cannabis Processing Facility Tiers 1-6
3. Cannabis Transportation Facility
4. Cannabis Disposal Facility
5. Cemeteries.
6. Electrical substations, gas regulator stations, sewage treatment facilities, and similar uses that may be detrimental or hazardous to any neighborhood or area of the County. Adequate provisions shall be made for setbacks, landscaping, fencing, and other measures to mitigate any adverse effect upon the adjoining properties or the general area in which such a facility is to be situated.
7. Extraction of soil, sand, gravel, oil, or gas provided a reclamation plan is submitted and approved by the Planning Commission and the Board of

Supervisors, and a bond is provided to cover the costs of reclamation of the site if not done by the property owner.

8. Manufactured home parks
9. Mortuaries or funeral homes.
10. Signs, off-site advertising signs
11. Public or semi-public building
12. Repair shops with a lot size of 10 acres or more. The repair shop must be located at the rear of the property
13. Rodeos, horse shows, and carnivals
14. Sanitary landfills and refuse sites, but not including the burning of trash or refuse, provided, however, that such landfill or refuse site shall be set back a minimum of 200 feet from any property line.
15. Solar power generation facilities
16. Wireless communication towers.

C. Lot area, lot width, building setback, lot coverage, and building height requirements shall be as set forth in ARTICLE III, Section 15.

SECTION 5 - A-R- Agricultural-Residential District:

A. Permitted Uses:

1. Agriculture and forestry.
2. Bed and breakfast facilities provided that the owner or manager of such facilities resides upon the premises; meals are provided only to registered guests; sufficient off-street parking is provided to accommodate both occupants and guests; parties, meetings, receptions, clubs or other unrelated activities shall be prohibited; the building housing such bed and breakfast facility shall have some historical, cultural or architectural feature(s) which make the structure suitable as a bed and breakfast.
3. Cannabis Facilities when no dwelling is present
4. Cannabis Micro Cultivation Facility Tiers 1-2
5. Cannabis Cultivation Facility Tiers 1-6
6. Churches and church facilities.

7. Country clubs and/or golf courses
8. Governmental uses or facilities necessary for the operation of any governmental entity or public utility, except those uses specifically enumerated as permitted by special exception.
9. Home occupations
10. Manufactured homes
11. Modular homes
12. Nurseries and greenhouses
13. Parks and playgrounds
14. Public or private schools
15. Signs, except off-site advertising signs
16. Single-family dwellings

B. Uses Permitted by Special Exception:

1. Airports or landing strips
2. Any public or semi-public building
3. Cemeteries
4. Electrical substations, gas regulator stations, sewage treatment facilities, and similar uses that may be detrimental or hazardous to any neighborhood or area of the County. Adequate provisions shall be made for setbacks, landscaping, fencing, and other measures to mitigate any adverse effect upon the adjoining properties or the general area in which such a facility is to be situated.
5. Extraction of soil, sand, gravel, oil, or gas provided a reclamation plan is submitted and approved by the Planning Commission and the Board of Supervisors, and a bond is provided to cover the costs of reclamation of the site if not done by the property owner.
6. Mortuaries or funeral homes
7. Solar power generation facilities
8. Temporary vegetable and fruit stands.
9. Veterinary clinic and/or boarding kennels, provided the structure or pens are at least 250 feet from any adjacent property line

10. Wireless communication towers

C. Lot area lot width, building setbacks, lot coverage and building height requirements shall be set forth in ARTICLE III, Section 15.

D. Parking off-street loading areas shall be provided as set forth in ARTICLE IV.

E. Permitted signs- All those business signs allowed for permitted uses or uses permitted by Special Exception in the A-R District. Outdoor advertising signs are prohibited in the A-R District.

SECTION 6 – R-E -Residential Estate District

A. Permitted Uses:

1. Agriculture and forestry, excluding feed lots, commercial sale, or processing of livestock and agricultural products. A minimum of one (1) acre per animal shall be required for keeping horses, cows, and other large farm animals, and no animal is allowed within 100 feet of any adjoining residence.
2. Bed and breakfast facilities provided that the owner or manager of such facilities resides upon the premises; meals are provided only to registered guests; sufficient off-street parking is provided to accommodate both occupants and guests; parties, meetings, receptions, clubs or other unrelated activities shall be prohibited; the building housing such bed and breakfast facility shall have some historical, cultural or architectural feature(s) which make the structure suitable as a bed and breakfast.
3. Churches and church facilities.
4. Governmental uses or facilities necessary for the operation of any governmental entity or public utility, except those uses specifically enumerated as permitted by special exception.
5. Parks and playgrounds
6. Public or private schools
7. Signs, except off-site advertising signs
8. Single-family dwellings containing not less than 1,200 square feet of heated area.

B. Uses Permitted by Special Exception:

1. Any public or semi-public building
2. Cemeteries.

3. Country clubs and/or golf courses (10-acre minimum lot)
 4. Electrical substations, gas regulator stations, sewage treatment facilities, and similar uses that may be detrimental or hazardous to any neighborhood or area of the County. Adequate provisions shall be made for setbacks, landscaping, fencing, and other measures to mitigate any adverse effect upon the adjoining properties or the general area in which such a facility is to be situated.
 5. Extraction of soil, sand, gravel, oil, or gas provided a reclamation plan is submitted and approved by the Planning Commission and the Board of Supervisors, and a bond is provided to cover the costs of reclamation of the site if not done by the property owner.
 6. Home occupations
 7. Stables and riding academies (5 acres minimum lot)
 8. Temporary vegetable and fruit stands.
 9. Wireless communication tower
- C. Lot area, lot width, building setback, lot coverage, and building height requirements shall be as set forth in ARTICLE III, Section 15.
- D. Parking and off-street loading area shall be as provided in ARTICLE IV.

SECTION 7 – R-1 – Residential (Low Density) District

A. Permitted Uses:

1. Agriculture and forestry, excluding feed lots, commercial sale, or processing of livestock and agricultural products. A minimum of one (1) acre per animal shall be required for keeping horses, cows, and other large farm animals, and no animal is allowed within 100 feet of any adjoining residence.
2. Churches and church facilities.
3. Governmental uses or facilities necessary for the operation of any governmental entity or public utility, except those uses specifically enumerated as permitted by special exception.
4. Manufactured homes.
5. Modular Homes
6. Parks and playgrounds
7. Public or private schools

8. Single-family dwellings.
 9. Signs, except off-site advertising signs
- B. Uses Permitted by Special Exception:
1. Country clubs and/or golf courses
 2. Cemeteries.
 3. Electrical substations, gas regulator stations, sewage treatment facilities, and similar uses that may be detrimental or hazardous to any neighborhood or area of the County. Adequate provisions shall be made for setbacks, landscaping, fencing, and other measures to mitigate any adverse effect upon the adjoining properties or the general area in which such a facility is to be situated.
 4. Home occupations
 5. Professional offices of an engineer, architect, attorney, doctor, dentist, or similar profession or occupation
 6. Repair shops with a lot size of 10 acres or more. The repair shop must be located at the rear of the property
 7. Similar uses upon approval of the Board of Adjustment.
 8. Temporary vegetable and fruit stands.
 9. Wireless communication tower
- C. Lot area, lot width, building setback, lot coverage, and building height requirements shall be as set forth in ARTICLE III, Section 15.
- D. Parking and off-street loading areas shall be provided as set forth in ARTICLE IV.

SECTION 8 – R-2 – Residential (Medium Density District)

- A. Permitted Uses:
1. Agriculture and forestry, excluding feed lots, commercial sale, or processing of livestock and agricultural products. A minimum of one (1) acre per animal shall be required for keeping horses, cows, and other large farm animals, and no animal is allowed within 100 feet of any adjoining residence.
 2. Churches and church facilities.
 3. Country clubs and/or golf courses

4. Governmental uses or facilities necessary for the operation of any governmental entity or public utility, except those uses specifically enumerated as permitted by special exception.
5. Manufactured homes
6. Modular homes
7. Parks and playgrounds
8. Public or private schools
9. Signs, except off-site advertising signs
10. Single-family dwellings
11. Two-family dwellings

B. Uses Permitted by Special Exception:

1. Bed and breakfast facilities provided that the owner or manager of such facilities resides upon the premises; meals are provided only to registered guests; sufficient off-street parking is provided to accommodate both occupants and guests; parties, meetings, receptions, clubs or other unrelated activities shall be prohibited; the building housing such bed and breakfast facility shall have some historical, cultural or architectural feature(s) which make the structure suitable as a bed and breakfast.
2. Cemeteries
3. Electrical substations, gas regulator stations, sewage treatment facilities, and similar uses that may be detrimental or hazardous to any neighborhood or area of the County. Adequate provisions shall be made for setbacks, landscaping, fencing, and other measures to mitigate any adverse effect upon the adjoining properties or the general area in which such a facility is to be situated.
4. Home occupations
5. Professional offices of an engineer, architect, attorney, doctor, dentist or similar profession or occupation
6. Repair shops with a lot size of 10 acres or more. The repair shop must be located at the rear of the property
7. Temporary vegetable and fruit stands.
8. Wireless communication tower

- C. Lot area, lot width, building setback, lot coverage, and building height requirements shall be as set forth in ARTICLE III, Section 15.
- D. Parking and off-street loading areas shall be provided as set forth in ARTICLE IV.

SECTION 9 – R-3 – Residential (High Density) District

A. Permitted Uses:

1. Agriculture and forestry, excluding feed lots, commercial sale, or processing of livestock and agricultural products. A minimum of one (1) acre per animal shall be required for keeping horses, cows, and other large farm animals, and no animal is allowed within 100 feet of any adjoining residence.
2. Churches and church facilities.
3. Governmental uses or facilities necessary for the operation of any governmental entity or public utility, except those uses specifically enumerated as permitted by special exception.
4. Parks and playgrounds
5. Public or private schools
6. Signs, except off-site advertising signs
7. Single-family dwellings.
8. Two-family dwellings.

B. Uses permitted by Special Exception:

1. Cemeteries.
2. Bed and breakfast facilities provided that the owner or manager of such facilities resides upon the premises; meals are provided only to registered guests; sufficient off-street parking is provided to accommodate both occupants and guests; parties, meetings, receptions, clubs or other unrelated activities shall be prohibited; the building housing such bed and breakfast facility shall have some historical, cultural or architectural feature(s) which make the structure suitable as a bed and breakfast.
3. Electrical substations, gas regulator stations, sewage treatment facilities, and similar uses that may be detrimental or hazardous to any neighborhood or area of the County. Adequate provisions shall be made for setbacks, landscaping, fencing, and other measures to mitigate any adverse effect upon the adjoining properties or the general area in which such a facility is to be situated.

4. Home occupations
 5. Manufactured Home Parks
 6. Multi-family dwelling, including townhouses (or row houses) and apartments
 7. Preschool, including nursery schools and kindergartens, and childcare facilities as licensed by the State of Mississippi
 8. Professional offices of an engineer, architect, attorney, doctor, dentist, or similar profession that generate a minimum amount of traffic and at which no products, except those normally associated with the above offices, are sold retail, wholesale, or otherwise.
 9. Recreational Vehicle Parks – site plan approval required.
 10. Temporary vegetable and fruit stands.
 11. Wireless communication tower
- C. Lot area, lot width, building setback, lot coverage and building height requirements shall be as set forth in ARTICLE III, Section 15.
1. Each building of a multi-family development shall be set back the minimum required by Article III, Section 15 from the front, side, and rear lot lines, as applicable, to create sufficient yards.
 2. Minimum lot size for multi-family developments shall be computed for the entire area of the development, including the gross area of all buildings and structures. It shall be the minimum specified in Article III, Section 15.
 3. Townhomes, row houses, apartments, and other multi-family developments are permitted as zero lot line developments, provided that Article III, Section 15 governs the density of development, including required setbacks for each building and the minimum lot area required for the number of dwelling units proposed. Setbacks and lot area requirements shall be met for the overall development area, regardless of eventual ownership of individual dwelling units.
- D. Parking and off-street loading area shall be as provided in ARTICLE IV.

SECTION 10 – C-1 – Neighborhood Commercial District

To provide services to surrounding residential areas located throughout the County. Building shall be limited to an area up to 10,000 square feet, and the premises shall be used only for the following purposes.

- A. Permitted uses:

1. Agriculture and forestry, excluding feed lots, commercial sale, or processing of livestock or agricultural products. A minimum of one (1) acre per animal shall be required for keeping horses, cows, and other large farm animals.
2. Auto dealers, auto repairs, and similar uses (no outside storage)
3. Cannabis Dispensary
4. Car wash
5. Churches and church facilities
6. Country club and lodge
7. Preschool, including nursery schools and kindergartens, and childcare facilities as licensed by the State of Mississippi
8. Financial services, including banks, savings and loan associations, and mortgage companies.
9. Food Trucks
10. Governmental uses or facilities necessary for the operation of any governmental entity or public utility, except those uses specifically enumerated as permitted by special exception.
11. Nursery and greenhouse
12. Offices such as those of a doctor, dentist, attorney, and other professional businesses.
13. Post office or postal facility
14. Radio, television towers, and antennas not exceeding 35 feet in height.
15. Repair and service shops for small engines, bicycles, and appliances (no outside storage)
16. Restaurants and carry-out
17. Retail establishments such as grocery stores, apparel stores, hardware stores, drug stores, and similar uses
18. Service establishments such as beauty shops, self-service laundry, dry cleaning facilities, and similar uses
19. Signs, except off-site advertising signs (See ARTICLE V)
20. Veterinary clinic where there are no open kennels or holding areas.

A. Uses permitted by special exception:

1. Automobile Fueling Stations
2. Electrical substations, gas regulator stations, sewage treatment facilities, and similar uses that may be detrimental or hazardous to any neighborhood or area of the County. Adequate provisions shall be made for setbacks, landscaping, fencing, and other measures to mitigate any adverse effect upon the adjoining properties or the general area in which such a facility is to be situated.
3. Hospital, nursing homes, and extended care facilities
4. Other similar uses as permitted by the Board of Adjustment
5. Outdoor flea market
6. Parks and playgrounds
7. Public or private schools
8. Residential and accessory buildings according to R-3 district regulations
9. Temporary Fireworks Stand
10. Temporary vegetable and fruit stands.
11. Truck Fueling Station
12. Wireless communication towers

C. Lot area, lot width, building setback, lot coverage, and building height requirements shall be as set forth in ARTICLE III, Section 15.

D. Parking and off-street loading areas shall be provided as set forth in ARTICLE IV.

SECTION 11 – C-2 – Highway Commercial District

To provide retail and services outlets serving not only nearby residential areas, but distant areas as well, and especially the needs of through highway traffic. The districts are located along heavily traveled four-lane highways. A building or premises shall be used only for the following purposes:

A. Permitted uses:

1. Agriculture and forestry, excluding feed lots, commercial sale, or processing of livestock or agricultural products. A minimum of one (1) acre per animal shall be required for keeping horses, cows, and other large farm animals.

2. Aluminum can collection centers with no machinery processing or outside storage.
3. Amusements such as putt-putt golf, skating rink, and video arcade.
4. Auto dealers, auto repairs, and similar uses (no outside storage)
5. Bus terminal.
6. Cannabis Dispensary
7. Cannabis Research Facility
8. Cannabis Testing Facility
9. Cannabis Transportation Facility
10. Car wash
11. Cemeteries.
12. Churches, and church facilities
13. Country club and lodge
14. Civic Center
15. Preschool, including nursery schools and kindergartens, and childcare facilities as licensed by the State of Mississippi
16. Department or discount stores.
17. Farm and feed stores, including accessory storage of liquid and solid fertilizers.
18. Farm implement and heavy equipment sales and service establishments.
19. Financial services such as banks, savings and loans, and mortgage companies.
20. Food Trucks
21. Governmental uses or facilities necessary for the operation of any governmental entity or public utility, except those uses specifically enumerated as permitted by special exception.
22. Hospital, nursing home, or extended care facility.
23. Mini warehouse
24. Mobile (or Modular) homes sales, service, repair, and storage facilities for RVs, camping trailers, and touring vans, but not including a manufactured home park or trailer park, and not allowing storage of damaged mobile homes.

25. Mortuaries and funeral homes.
26. Motels and hotels, including associated restaurants.
27. Nursery and greenhouse
28. Offices such as those of a doctor, dentist, attorney, and other professional businesses.
29. Post office or postal facility
30. Radio, television towers, and antennas not exceeding 35 feet in height.
31. Repair and service shops for small engines, bicycles, and appliances (no outside storage)
32. Restaurants and carry-out
33. Retail establishments such as grocery stores, apparel stores, hardware stores, drug stores, and similar uses
34. Service establishments such as beauty shops, self-service laundry, dry cleaning facilities, and similar uses
35. Signs, except off-site advertising signs
36. Veterinary clinic where there are no open kennels or holding areas.
37. Wholesale merchandising and storage warehouses not exceeding 10,000 square feet in floor area.

B. Uses Permitted by Special Exception:

1. Automobile Fueling Stations
2. Campground and recreational vehicle park
3. Electrical substations, gas regulator stations, sewage treatment facilities, and similar uses that may be detrimental or hazardous to any neighborhood or area of the County. Adequate provisions shall be made for setbacks, landscaping, fencing, and other measures to mitigate any adverse effect upon the adjoining properties or the general area in which such a facility is to be situated.
4. Manufactured home used as office space
5. Outdoor flea market
6. Parks and playgrounds
7. Public or private schools

8. Residential and accessory buildings according to R-3 district regulations
 9. Salvage and junk establishments (fencing as determined by the Planning Commission).
 10. Similar uses upon approval of the Board of Adjustment.
 11. Temporary Fireworks Stand
 12. Temporary vegetable and fruit stands.
 13. Truck Fueling Station
 14. Truck Stop (Travel Center)
 15. Wireless communication towers.
- C. Lot area, lot width, building setback, lot coverage, and building height requirements shall be as set forth in ARTICLE III, Section 15.
- D. Parking and off-street loading area shall be provided as set forth in ARTICLE IV.

SECTION 12 – I-1 – Light Industrial District

The I-1 Industrial District is established as a district in which uses permitted shall not be dangerous, offensive, detrimental to the present or intended character of the I-1 Industrial District or vicinity, or constitute a nuisance due to the emission of dust, gas, smoke, noise, fumes, glare, odor, vibration, fire hazard or otherwise.

A. Permitted Uses:

1. Agriculture and forestry, excluding feed lots, commercial sale, or processing of livestock or agricultural products. A minimum of one (1) acre per animal shall be required for keeping horses, cows, and other large farm animals.
2. Cannabis Micro Cultivation Facility Tiers 1-2
3. Cannabis Cultivation Facility Tiers 1-6
4. Cannabis Micro Processing Facility Tiers 1-2
5. Cannabis Processing Facility Tiers 1-6
6. Cannabis Transportation Facility
7. Cannabis Disposal Facility
8. Laboratories

9. Manufacturing, fabrication, production, and/or processing of any non-flammable, explosive, or hazardous materials or commodities.
10. Moving Services
11. Newspaper Publishing, Printing, and Distribution
12. Truck Terminal
13. Warehousing and Distribution
14. Woodworking and Cabinet Shops
15. Tool and Die
16. Assembly Plant
17. Beverage Bottling and Distribution
18. Food Packaging
19. Food Trucks
20. Governmental uses or facilities necessary for the operation of any governmental entity or public utility, except those uses specifically enumerated as permitted by special exception.
21. Signs, except off-site advertising signs

B. Uses Permitted by Special Exception

1. Outside Storage
2. Cannabis Research Facility
3. Cannabis Testing Facility
4. Civic Center
5. Animal Shelters
6. Tire Recapping
7. Machine Shop
8. Similar uses upon approval of the Board of Adjustment
9. Solar power generation facilities
10. Electrical substations, gas regulator stations, sewage treatment facilities, and similar uses that may be detrimental or hazardous to any neighborhood or area of the County. Adequate provisions shall be made for setbacks, landscaping,

fencing, and other measures to mitigate any adverse effect upon the adjoining properties or the general area in which such a facility is to be situated.

11. Temporary Fireworks Stand

12. Truck Fueling Station

13. Truck Stop (Travel Center)

C. Lot area, lot width, building setback, lot coverage and building height requirements shall be as set forth in ARTICLE III, Section 15.

D. Parking and off-street loading areas shall be provided as set forth in ARTICLE IV.

E. NOTE: Request to set up in Chickasaw Industrial Park requires prior approval of the Marshall County Industrial Development Authority before submitting application to the Zoning Office/Administrative Official.

SECTION 13 – I-2 Heavy Industrial District

The I-2 Industrial District is established as a district for those uses customarily characterized as heavy industry, which, by their nature, may create some nuisance due to the emission of dust, gas, smoke, noise, fumes, glare, odor, vibration, fire hazard or otherwise.

A. Permitted Uses:

1. Agriculture and forestry, excluding feed lots, commercial sale, or processing of livestock or agricultural products. A minimum of one (1) acre per animal shall be required for keeping horses, cows, and other large farm animals.
2. Assembly Plant
3. Beverage Bottling and Distribution
4. Cannabis Micro Cultivation Facility Tiers 1-2
5. Cannabis Cultivation Facility Tiers 1-6
6. Cannabis Micro Processing Facility Tiers 1-2
7. Cannabis Processing Facility Tiers 1-6
8. Cannabis Transportation Facility
9. Cannabis Disposal Facility
10. Food Packaging

11. Food Trucks
 12. Governmental uses or facilities necessary for the operation of any governmental entity or public utility, except those uses specifically enumerated as permitted by special exception.
 13. Laboratories
 14. Machine Shop
 15. Manufacturing, fabrication, production, and/or processing of any non-flammable, explosive, or hazardous materials or commodities.
 16. Moving Services
 17. Newspaper Publishing, Printing, and Distribution
 18. Outside Storage
 19. Retail or wholesale sale of any commodity manufactured, fabricated, or processed on the premises.
 20. Signs, except off-site advertising signs
 21. Tire Recapping
 22. Tool and Die
 23. Truck Terminal
 24. Warehousing and Distribution
 25. Woodworking and Cabinet Shops
- B. Uses Permitted by Special Exception:
1. Adult Entertainment Uses
 2. Animal Shelters
 3. Cannabis Research Facility
 4. Cannabis Testing Facility
 5. Commercial businesses
 6. Electrical substations, gas regulator stations, sewage treatment facilities, and similar uses that may be detrimental or hazardous to any neighborhood or area of the County. Adequate provisions shall be made for setbacks, landscaping, fencing, and other measures to mitigate any adverse effect upon the adjoining properties or the general area in which such a facility is to be situated.

7. Junkyards and salvage yards.
 8. Manufacture or processing of flammable, explosive, or hazardous materials.
 9. Solar power generation facilities
 10. Similar uses upon approval of the Board of Adjustment
 11. Temporary Fireworks Stand
 12. Truck Fueling Station
 13. Truck Stop (Travel Center)
- C. Lot area, lot width, building setback, lot coverage, and building height requirements shall be as set forth in ARTICLE III, Section 15.
- D. Parking and off-street loading areas shall be provided as set forth in ARTICLE IV.
- E. NOTE: Request to set up in Chickasaw Industrial Park requires prior approval of the Marshall County Industrial Development Authority before submitting application to the Zoning Office/Administrative Official.

SECTION 14– FP – Floodplain Overlay District:

Property situated within the FP District may be used for any use permitted within the zoning district in which such property is located (A, A-R, R-1, C-1, I-1, etc.), subject to all requirements of the base zoning designation. Provided, however, any structure to be constructed within the FP District shall comply with all requirements of the Marshall County Floodplain Ordinance and the Marshall County Flood Insurance Rate Maps (FIRM).

SECTION 15 CHART OF REGULATIONS

Zoning District	Min. Lot Area	Min. Width	Front Yard	Min. Side	Min. Rear	Max. Lot	Max. Height
	Required	at Bldg. Setback	Setback ¹	Yard	Yard	Coverage	Limit Stories ²
A Agricultural	1.5 Ac.	150 ft.	35 ft.	15 ft.	30 ft.	25%	2
A-R Agricultural/ Residential	1.5 Ac.	150 ft.	35 ft.	15 ft.	30 ft.	25%	2
R-E Residential Estate ³	1.5 Ac	150 ft.	50 ft.	30 ft.	50 ft.	25%	2
R-1 Residential ⁴ (Single-family, Manufactured Home)	1.5 Ac. (12,000 sq. ft. with sewer)	150 ft. (75 ft. with sewer)	35 ft.	15 ft.	25 ft.	25%	2
R-2 Residential ⁵ (Single-Family, Manufactured Home, Two-Family)	1.5 Ac. (12,000 sq. ft. with sewer plus 3,000 sq. ft. per additional unit)	150 ft. (75 ft. with sewer)	35 ft.	10 ft.	25 ft.	35%	2
R-3 Residential ⁶ (Single-Family)	12,000 sq ft	75 ft.	35 ft.	10 ft.	25 ft.	50%	2
R-3 Residential ⁷ (Two- Family & Multi-Family)	8,000 sq ft plus 3,000 sq ft per additional unit	75 ft.	35 ft.	10 ft.	25 ft.	50%	2
C-1 Commercial	N/A	N/A	50 ft.	20 ft.	25 ft.	50%	3
C-2 Commercial	N/A	N/A	50 ft.	20 ft.	25 ft.	50%	3
I-1 Industrial	2Ac.	200 ft.	100 ft.	50 ft.	50 ft.	50%	N/A
I-2 Industrial	2Ac.	200 ft.	100 ft.	50 ft.	50 ft.	50%	N/A

¹ Where no dedicated road right-of-way exists, the front building setback shall be measured beginning at a point twenty-five (25) feet from the centerline of the road.

² The height limitations do not apply to spires, belfries, cupolas, antennas, water tank ventilators, chimneys, silos, grain elevators, or other appurtenances that are usually required to be placed above the roof level and are not intended for human occupancy.

³ RE property with community water and sewer systems RE may have a lot area of one (1) acre if approved by the Board of Supervisors.

⁴ R-1 property with community water and sewer are available, lots of 12,000 square feet, with a minimum width of 75 feet at the building line, will be allowed.

⁵ R-2 property with public water and sewer are available, lots of 12,000 square feet will be allowed for single-family dwellings and lots of 15,000 square feet will be allowed for two-family dwellings. Where public water and sewer are not available, an additional 1 acre is required for two-family dwellings.

⁶ R-3 property must have public water and sewer available to be zoned R-3; plus an additional 3,000 square feet of lot area for each additional dwelling unit.

⁷ R-3 property must have public water and sewer available to be zoned R-3; plus an additional 3,000 square feet of lot area for each additional dwelling unit.

ARTICLE IV GENERAL PROVISIONS

SECTION 1 – Land to be Used Only for the Purpose Zoned

No land shall be used except for a purpose authorized as a use permitted or permitted by Special Exception in the District in which it is located.

SECTION 2 – Compliance with Ordinance

No structure shall be erected, converted, enlarged, moved, or structurally altered, nor shall any structure be used, except for a use permitted, or permitted by Special Exception, in the district in which it is located.

SECTION 3 – Non-Conforming Uses and Structures

Any use or structure existing at the time of enactment of or subsequent amendment to this Ordinance, but not in conformity with its provisions, may be continued with the following limitations.

- A. Any use that does not conform to the provisions of this Ordinance shall not be:
 - 1. Changed to another non-conforming use.
 - 2. Re-established after discontinuance for a period of one hundred and twenty (120) days.
- B. Any structure that does not conform to the provisions of this Ordinance shall not be:
 - 1. Altered except in conformity with this Ordinance.
 - 2. Rebuilt, altered, or repaired after damage exceeding sixty percent (60%) of its fair market value immediately prior to damage.

SECTION 4 – Nonconforming Lots of Record

This Ordinance intends that lawful nonconforming lots of record remain usable for building purposes. Accordingly, such a lot may be developed with one principal structure permitted in the district where it is located, provided all other applicable requirements are met.

Where a lot does not meet the required public street frontage, legal access may be provided to that lot by a recorded easement. Such easements shall be of sufficient width and construction to accommodate safe and convenient access for residents, fire protection, and utility service. Where access to a lot of record is provided by easement, the owner of property crossed by such easement shall assume sole responsibility for recording

the easement and for improving it as necessary to ensure safe and convenient access for residents, emergency vehicles, and utility service. Where nonconforming lots of record lack access to a public street frontage, such easements shall serve only one lot, principal structure, and principal use of property, except as minimally necessary to allow usable property consistent with the intent of this Section.

Where the owner of a lot of official record at the time of adoption of this Ordinance does not own sufficient land to conform to the yard and other requirements of this Ordinance, a variance shall be permitted. Such variance shall allow one building and its accessory structures to be built and used for a use permitted in the Zoning District in which the lot is located. The yard space and other requirements shall conform as closely as possible, in the opinion of the Board of Zoning Adjustments, to the requirements of ARTICLE III, Section 15, and any other requirements of this Ordinance.

SECTION 5 – Structures to Have Road Access

Except for nonconforming lots of record, every building hereafter erected, placed, or moved shall be located on a lot with a lot frontage on a public street of not less than 75 feet. All structures shall be situated on such lots in a manner providing safe and convenient access for fire protection, utility servicing, and required off-street parking.

SECTION 6 – Limitations to the Number of Principal Buildings Used for Residential Purposes

Every building hereafter erected or structurally altered shall be located on an approved lot with access to a public street, and in no case shall there be more than three principal buildings on any lot used for a single-family dwelling or a manufactured home outside of an approved manufactured-home park. Additional units are permitted within approved manufactured home parks and multi-family developments, provided all other provisions of this Ordinance are met.

A. Group Housing and Clustered Development Intended for Single-family Occupancy.

1. Up to three residential structures designed for occupancy by a single family may be permitted on an undivided lot when authorized as a permitted use or by special exception as a use permitted on appeal in the applicable zoning district.
2. Each structure must independently satisfy all applicable minimum lot area, setback, and wastewater disposal standards, as if located on a separate lot.

3. Where a lot is located within a platted residential subdivision and contains less than five (5.0) acres, additional homes shall be permitted upon approval of a Special Exception by the Board of Adjustment, which may impose such conditions as necessary to preserve the intent of the subdivision and ensure compatibility with adjacent development.
4. Where access to residential structures is provided by easement, the owner of property crossed by such easement shall assume sole responsibility for improving and/or recording such easements to ensure safe and convenient access for residents, emergency vehicles, and utility services.
5. Any approval shall be recorded as a permit applicable to the entire undivided parcel, specifying the approved number and type of dwellings.
6. Approval of additional dwellings under this provision shall not exempt the property owner from compliance with any other applicable ordinance, regulation, or requirement, including but not limited to the Marshall County Subdivision Regulations, should any future division of the lot be required for sale or building development.
7. Applications for additional dwellings under this provision shall be accompanied by a signed statement acknowledging the following:
 - a. All conditions of approval, including but not limited to density limitations, minimum lot size, access, wastewater, and compliance with all other applicable ordinances and regulations.
 - b. Approval shall not exempt the owner from compliance with the Marshall County Subdivision Regulations should any future division of the lot occur, nor from any other requirement of state or local law.
 - c. Where a private easement is used, access by a private easement carries risks related to accessibility for public safety vehicles (e.g., Sheriff, fire trucks, ambulances), utilities, residents, and other vehicles. The owner of property crossed by such easement assumes sole responsibility for recording, improving, and maintaining such easements to ensure safe and convenient access for residents, emergency vehicles, and utility services.

B. Group Housing and Clustering of Two-Family and Multi-Family Dwellings.

1. Two-family and multi-family dwellings may be arranged in groups or clusters on a single undivided lot when authorized as a permitted use or by special exception as a use permitted on appeal in the applicable zoning district.
2. The total number of dwelling units permitted shall not exceed the maximum density allowed by the district regulations.
3. All buildings shall comply with the minimum yard, building-spacing, and open-space requirements established for the district or for planned developments, whichever is greater.
4. Internal drives and parking areas shall provide safe and convenient access to each dwelling and shall be designed to accommodate emergency and service vehicles.
5. Where individual units or buildings within a cluster are intended for separate ownership, a condominium, common-interest community, or similar legal instrument shall be recorded to provide for shared ownership and maintenance of access drives, parking, utilities, and open-space areas.
6. The proposed arrangement of buildings, circulation, and open space shall promote a coherent development pattern, protect adjacent residential uses, and maintain compatibility with the surrounding neighborhood.

SECTION 7 - Reduction in Lot Area

Unless otherwise provided, no lot shall be reduced in area so that yards or lot area are less than the minimum required under this ordinance.

SECTION 8 - Future Street Lines

On any lot that may be reduced in area by widening a public street to a future street line as indicated on a duly adopted "Transportation Plan," the minimum required yards, the minimum required lot area, the minimum required lot width, and the minimum building area shall be measured by considering the future street lines.

SECTION 9 – Structures to Have Wastewater Facilities

Every building hereafter erected or moved shall be on a lot with adequate wastewater treatment facilities provided by an approved on-site wastewater treatment facility, such as a septic tank, or by access to a centralized sanitary sewer provided by an entity certified to provide sewer service by the Mississippi Public Service Commission. A minimum lot size of

one and one-half (1.5) acres shall be required for each structure that requires wastewater treatment, where centralized sanitary sewer service is unavailable.

SECTION 10 – Right to Farm Provisions

Marshall County intends to comply fully with protections afforded agricultural and forestry activities, including but not limited to Mississippi Code §§17-1-1, 17-1-3, 17-1-21, and 95-3-29. These statutes recognize and protect the right to engage in agricultural operations, forestry activities, and traditional farm practices, and provide that such uses and associated structures shall not be subject to local regulation that would inhibit or restrict such operations.

- A. Agricultural and Forestry Land Classification and Use Restrictions. For the purposes of this Ordinance and these protections, land located within zoning districts specifically designated as agricultural within the district title, such as the Agricultural (A) District and Agricultural-Residential (AR) District, together with nonconforming agricultural and forestry uses, as defined by this Ordinance, shall be considered "agricultural land." No land or territory within the jurisdiction of Marshall County shall be deemed "unclassified." Marshall County shall not prohibit or restrict the use of land or property for agricultural and forestry uses where such land is classified as "agricultural land," according to this Section.

However, in keeping with the authority of a county governing authority to reclassify areas from one zoning classification to another, land not classified as "agricultural land" shall be subject to reasonable land use restrictions for the purpose of promoting health, safety, morals, or the general welfare of the community and with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings, and encouraging the most appropriate use of land throughout the county.

- B. Agricultural and Forestry Permitting Requirements. Where agricultural uses or forestry uses are permitted under this Ordinance, no zoning permit shall be required for such uses nor for the erection, maintenance, repair, or extension of structures used directly in connection with such uses, provided such exemption shall be limited to bona fide agricultural or forestry uses and structures, as defined in this Ordinance.

Any nonagricultural uses or structures, including residential uses, dwelling units, commercial or industrial uses not directly involved in agricultural or forestry production, and any other structure or activity that would otherwise require review

or approval under the provisions of this Ordinance, shall not be exempted by this Section. Nonagricultural uses and structures co-located within agricultural uses shall be regulated as nonagricultural uses.

SECTION 11 – Accessory Uses and Structures

With the exception of fences and walls, no accessory structure shall be located within the front yard of any lot or five feet (5') of any side or rear lot line.

SECTION 12 – Off-Street Automobile Storage

- A. General—Off-street automobile parking or storage space shall be provided on every lot on which any of the uses stated in this section are established hereafter. Where space is not available on the lot, space shall be provided within 500 feet of such uses, and such space shall have vehicular access to a street or alley. No off-street parking required for a building or structure shall, during its life, be occupied by or counted as off-street parking for another building or structure but may be counted as yard space.
- B. Parking Design---The minimum size for any parking space shall be nine (9) feet wide by eighteen (18) feet long. No parking space shall be so designed as to require the vehicle parked therein to back onto a public street, except for single and two-family residences. All required public parking areas in commercial and industrial districts shall be paved with concrete or asphalt. Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked.
- C. Residential Uses: Parking provided for residential uses shall be equal to at least the minimum requirements for the specific use or uses as set forth herein.
 1. Single-family dwellings, two-family dwellings, manufactured homes, and modular homes: Two (2) spaces for each dwelling unit.
 2. Multi-family dwellings: One and one-half (1 ½) spaces for each dwelling unit.
- D. Non-Residential Uses:
 1. All non-residential uses must provide off-street parking at least equal to the minimum number of spaces required for the proposed use(s). The minimum parking requirement consists of:
 - a. A base parking requirement determined by floor area, employment, or office count, and

- b. A supplemental parking requirement for other activities such as lodging, healthcare, dining, and assembly.
- 2. Parking Plan Required: A parking plan must be submitted that demonstrates the total number of off-street parking spaces provided is at least equal to the combined minimums for all uses and activities on the site, which shall include a base parking requirement and supplemental parking, as appropriate for concurrent activities.
- 3. Base Parking Requirement: For all nonresidential uses, parking shall be provided at least equal to one of the following standards (as appropriate for the proposed use):
 - a. One (1) space per 200 square feet of gross floor area, or
 - b. One (1) space per employee on the maximum shift, or
 - c. One (1) space per professional office
- 4. Supplemental Parking Requirement: Supplemental parking shall be provided for the following activities, in addition to the base parking requirement:
 - a. Lodging Uses (Hotels, Motels, Tourist Courts, etc.): One (1) space per lodging room or unit available for rent or lease
 - b. Hospitals, Nursing Homes, and Extended Care Facilities: One (1) space per ten (10) beds
 - c. Restaurants and Public Assembly Areas (including auditoriums, gymnasiums, waiting areas):
 - i. One (1) space per four (4) fixed seats, or
 - ii. One (1) space per 40 square feet of floor area without fixed seating
- 5. Multiple Activities and Overlapping Classifications
 - a. If a single activity qualifies under more than one supplemental category, the classification that results in the largest number of required parking spaces shall apply.
 - b. For developments with multiple activities that may occur simultaneously, the total parking provided must equal the sum of the base parking requirement and all applicable supplemental requirements.
 - c. For developments with multiple activities that demonstrate different operating times and do not generate concurrent parking demand, the parking minimum shall be based on the calculations for non-overlapping activities that produce the greatest number of parking spaces.

E. Existing Parking

1. Existing uses that meet or exceed current parking standards shall maintain compliance.
2. Uses that do not meet current standards shall not reduce their existing parking supply.

SECTION 13 – Off-Street Loading and Unloading

A. Every building or structure used for business, trade, or industry shall provide space as indicated herein for the loading or unloading of vehicles as follows:

1. Retail business: Minimum of (1) space of five hundred (500) square feet per location, plus one (1) additional space of five hundred (500) square feet for each five thousand (5,000) square feet of floor area.
2. Wholesaling and industry: Minimum of (1) space of five hundred (500) square feet per location or one (1) space of five hundred (500) square feet for each fifteen thousand (15,000) square feet of floor area, whichever is the greater.
3. Bus and truck terminals: Sufficient space to accommodate the maximum number of buses or trucks to be stored, loaded, or unloaded at any one time.

B. All off-street loading and unloading areas and driveways shall be paved with concrete or asphalt.

SECTION 14 – Corner Visibility

No fence, wall, shrubbery, sign, marquee or other obstruction to vision between the heights of two and one-half (2 ½) feet to ten (10) feet above street level shall be permitted within twenty (20) feet of the intersection of the right-of-way lines of two (2) streets or railroads or of a street and a railroad right-of-way line.

SECTION 15 – Fumes, Dust, Fire, and Explosion Hazard or Nuisance

The Board of Adjustment may require the conduct of any use, conforming or nonconforming, which results in unreasonable noise, smoke, gas, vibration, fumes, dust, fire, or explosion hazard or nuisance to surrounding property, to be modified or changed to abate such hazard to health, comfort, and convenience. The Board of Adjustment may direct the Administrative Official to issue an abatement order. Such an order may be directed only after a public hearing by the said Board, notice of which shall be sent by registered mail to the owners and/or operators of the property on which the use is

conducted, in addition to due notice of advertisement in a newspaper of general circulation.

A hearing to consider issuance of an abatement order shall be held by the Board of Adjustment either upon petition signed by any person affected by the hazard or nuisance or upon the initiative of the Board. An abatement order shall be directed by the Board of Adjustment only upon reasonable evidence of hazard or nuisance, and such an order shall specify the date by which the hazard or nuisance shall be abated.

SECTION 16- Open Space and Buffer Areas

No open space or lot area required for a building or structure shall, during its life, be occupied by or counted as open space for any other building or structure. No dwelling unit shall be erected on a lot that does not have access to at least one public road or street. Where the road right-of-way cannot be determined, the depth of the front yard shall be measured starting at a point twenty-five (25) feet from the centerline of the road.

Whenever a commercial or industrial lot or parcel abuts, either on the side or the rear, any property zoned "A", "A-R", "R-E", "R-1", "R-2", or "R-3" a landscaped buffer area, thirty (30) feet in width, shall be maintained along the side and rear property lines of such commercial or industrial lot or parcel. Such buffer areas shall be installed beginning at the front building setback line and continuing to the rear property line; rear buffer areas shall be installed adjoining the entire rear property line.

SECTION 17 – Exception to Height Limitations

The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tank ventilators, chimneys, silos, grain elevators, or other appurtenances that are usually required to be placed above the roof level and are not intended for human occupancy.

SECTION 18 – Disabled Vehicles

Automotive vehicles without current license plates shall not be parked or stored in any platted residential subdivision in an A, A-R, R-E, R-1, R-2, or R-3 district other than within a completely enclosed building.

SECTION 19 – Connection to Approved Sewage System

No utility shall make any permanent connections to any structure unless the person requesting the connection has a building permit or manufactured home permit issued by Marshall County and a document from the Mississippi State Department of Health stating

that the facility being served with said utilities has an approved septic tank or an approved sewage disposal system.

SECTION 20 – Sale of Existing Septic Systems

It shall be the responsibility of the seller to furnish the purchaser, at the time of closing, a Certificate of Approval of the septic system from the Mississippi Department of Public Health.

SECTION 21 – Fences Along County Roads

No fence may be constructed along any county road unless said fence is set back at least twenty-five (25) feet from the center line of said road or off the road right-of-way, whichever is greater.

SECTION 22 – Driveways and Culverts

No driveway may be constructed without the approval of the County Road Manager. All driveways shall have a proper culvert approved by the County Road Manager. Culverts with a diameter greater than twenty-four (24) inches shall be provided and installed at the owner's expense. No Certificate of Occupancy shall be issued for any structure before the drainage structure has been inspected and approved by the Marshall County Road Manager or the Marshall County Engineer.

SECTION 23 – Utility Connections to be Reported to Tax Assessors

All utility companies shall notify the Tax Assessor and the Administrative Official of each utility connection made in Marshall County.

SECTION 24 – Mailbox Placement

No mailbox shall be placed between two (2) driveways that are within six (6) feet of each other. Mailboxes can be placed on the outside of either driveway or as designated by the U.S. Postal Service.

ARTICLE V SUPPLEMENTAL LAND USE REGULATIONS

SECTION 1 - Adult Entertainment Uses

- A. Purpose: The purpose of this Section is to regulate the operation and location of adult entertainment establishments, as defined by this Ordinance, for the purposes of: (1) stemming a potential increase in criminal activities and disturbances of the peace and good order of Marshall County; (2) maintaining property values; (3) preventing injuries to residential neighborhoods and other commercial districts; (4) protecting and preserving the quality of life through effective land use planning. The Board of Supervisors have found that there is substantial evidence, including numerous studies, reports and findings on the potential harmful effect of adult entertainment uses made by cities, experts, urban planners, etc., which document that such uses adversely affect property values, cause an increase in crime, encourage businesses to move elsewhere, and contribute to neighborhood blight. Therefore, this Section is intended to regulate adult entertainment uses to ensure that these adverse effects will not contribute to blighting or downgrading of surrounding neighborhoods.
- B. Scope: This Section shall apply to all Adult Entertainment Uses, including adult arcades, adult bookstores, adult cabarets, adult motels, adult motion picture theaters, and other adult entertainment activities as defined by this Ordinance or as determined by the Board of Supervisors to be of the same character and nature as those defined herein.
- C. Location: No Adult Entertainment Uses subject to this Section shall be located within one thousand (1,000) feet of the property line of any other such use. Furthermore, no such establishment shall be located within one thousand (1,000) feet of the property lines of any existing residential use or any church, school, hospital, convalescent or nursing home, cemetery, civic organization building or facility, charitable organization building or facility, public or private park or playground, or of any residentially or commercially zoned property. Measurements shall be made along a straight line between nearest property lines of said uses.

SECTION 2 - Automobile and Truck Fueling and Services

This Ordinance intends to distinguish facilities providing retail fuel based on the characteristics of the vehicle served. One level of stations serves primarily the automobiles used by the general public, a second level serves primarily the heavy trucks used by the trucking industry, and a third provides overnight accommodations and truck parking.

- A. General provisions: All automobile fueling stations, truck fueling stations, and truck stops shall meet the following conditions:
1. For the purposes of this Section, “Automobile Fueling Station,” “Truck Fueling Station,” and “Truck Stop (Travel Center)” shall have the meanings assigned in Article II (Definitions) and be subject to the additional requirements and intent of this Section.
 2. Shall be located with direct access to a roadway classified as an arterial or major collector.
 3. Shall minimize or eliminate access from local roads.
 4. Shall be a minimum of 300 feet from schools, churches, and residential structures.
 5. Shall provide a landscaped buffer of not less than fifty (50) feet when abutting residential districts.
 6. Outdoor lighting shall be shielded and directed downward so as not to directly illuminate adjacent properties.
 7. All proposed automobile fueling stations, truck fueling stations, and truck stops shall submit a traffic impact study, prepared by a licensed professional engineer, at the time of special exception review. The study shall evaluate projected daily and peak-hour traffic volumes, turning movements, queuing, and circulation for passenger vehicles and heavy trucks; assess the adequacy of adjacent intersections and road segments, including acceleration and deceleration lanes, sight distances, and signalization; and recommend roadway, access, or intersection improvements needed to mitigate adverse traffic impacts. Approval may be conditioned upon the implementation of such improvements.
 8. Distances required in this Section shall be measured in a straight line from the nearest property lines of stated land uses.
- B. An automobile fueling station is designed to serve passenger vehicles and light trucks with fewer than 3 axles. They are not designed to serve heavy, semi-tractor, or similar trucks with 3 or more axles because of the larger turning movements and higher canopy heights; therefore, heavy, semi-tractor, or similar trucks are prohibited in conjunction with an automobile fueling station. Where permitted as a special exception, automobile fueling stations shall be located at least 1,000 feet from any existing automobile fueling station, and 2,000 feet from any existing truck fueling station or truck stop.

- C. Truck fueling stations are designed to serve passenger vehicles, light trucks, and heavy, semi-tractor, or similar trucks with 3 or more axles. Where permitted as a special exception, truck fueling stations shall meet the following conditions:
 - 1. Truck parking is limited to what is reasonably necessary for short-term parking for the convenient use of on-site facilities, not to exceed two (2) consecutive hours, and limited to 2 parking spaces per large truck fueling bay.
 - 2. Overnight parking and driver amenities such as showers, lounges, laundry facilities, and sleeping areas are prohibited.
 - 3. Shall be located on federal or state arterials and shall not be accessible from local county roads.
 - 4. Shall be located at least 1,000 feet from any existing automobile fueling station and 2,000 feet from any other truck fueling station or truck stop.
- D. Truck stops (travel centers) are designed to serve passenger vehicles, light trucks, and heavy, semi-tractor, or similar trucks with 3 or more axles, and provide driver amenities necessary for long-haul trucking and national commerce, including retail fuel, overnight parking, showers, lounges, laundry facilities, restaurants, and other amenities. Where permitted as a special exception, truck stops shall meet the following conditions:
 - 1. Shall be located on federal or state arterials and shall not be accessible from local county roads.
 - 2. Shall be located at least 1,000 feet from any existing automobile fueling station, 2,000 feet from any other truck fueling station, and at least 5,000 feet from any other truck stop.
 - 3. Shall require a minimum lot size of 5 acres.

SECTION 3 - Cannabis Facilities

Medical Cannabis Establishments, as defined under Article II of this Ordinance, shall be subject to the following conditions:

- A. **Applicable Laws:** All requirements of federal, state, and local laws shall be met, and establishments shall maintain permits for operation from the Mississippi Department of Health and/or any other applicable entity. This shall include all building code regulations adopted by the Marshall County Board of Supervisors.
- B. **Site Plan Review:** All medical cannabis establishments must submit a site plan to the Administrative Official. This requirement is to ensure the establishment is

located in an area of the County that has adequate infrastructure to meet the needs of the establishment. Such infrastructure may include electricity, water for cultivation and/or processing, as well as fire suppression, wastewater treatment and removal, and roadway/bridge capacity.

- C. Required Privilege License in Accordance with State and Local Law: A privilege license and operation permit must be obtained from the Mississippi Department of Health and the local Administrative Official before the initiation of a medical cannabis establishment.
- D. The main point of entry of a medical cannabis establishment shall not be located within one thousand (1,000) feet of the nearest property boundary line of any school, church or child care facility unless provided a waiver by its respective licensing agency.
- E. No medical cannabis dispensary may be located within a one-thousand-five-hundred-foot radius from the main point of entry of the dispensary to the main point of entry of another medical cannabis dispensary.
- F. Medical cannabis facilities located within an Agricultural or Agricultural -Residential District shall be subject to the following conditions:
 - 1. Minimum lot size of ten (10) acres
 - 2. Minimum setback of three hundred (300) feet from side property lines and any public road.
 - 3. May not be located in a platted and recorded residential subdivision.
 - 4. Access road or driveway must be a hard surface, concrete or asphalt only.

SECTION 4 - Food Trucks

Where permitted by this Ordinance, food trucks must remain in operable condition and be capable of being moved or relocated at any time. When located on private property, written permission from the property owner or authorized agent is required and must be available for inspection upon request. When operating in public rights-of-way or public spaces, food trucks must be parked legally and in compliance with all applicable traffic, parking, and public safety laws and regulations.

SECTION 5 – Manufactured Homes

- A. In all districts where manufactured homes are permitted, the following requirements shall apply to homes sited in any location, including manufactured home parks:
 - 1. No manufactured home shall be located in Marshall County, Mississippi, that is more than eight (8) years of age as indicated by the date of manufacture provided by the manufacturer.
 - 2. All manufactured homes shall be installed and secured (“tied down”) according to the recommendations and specifications of the Manufactured Home Manufacturers Association.
 - 3. All manufactured homes, except for those held by a dealer as inventory in the normal course of business, shall be underpinned in an attractive and workmanlike manner.
- B. Manufactured homes may not be used for nonresidential or business uses in C-1 Neighborhood Commercial Districts. Manufactured homes shall be allowed as office buildings in C-2 General Commercial Districts and as an accessory to other uses in industrial districts.

SECTION 6 – Manufactured Home Parks

In districts where manufactured home parks are permitted, the following requirements shall apply:

- A. The minimum site for a manufactured home park shall be five (5) acres with a minimum frontage of one hundred (100) feet along a major road or collector street.
- B. Each manufactured home lot within the park shall have a minimum of five thousand (5,000) square feet and a minimum width of fifty (50) feet at the front lot setback line.
- C. Mobile homes shall not be located within a minimum setback of twenty-five (25) feet from any park property boundary line.
- D. A fifteen (15) foot planted buffer area shall be provided around the side and rear perimeter of the manufactured home park.
- E. All streets within the park shall be paved with concrete or asphalt, and the minimum surfaced width shall be twenty-two (22) feet.

- F. A plan or plans for the overall development of the manufactured home park shall be submitted to the Planning Commission for approval and shall contain the information required below:
1. The scale of the map shall not be less than one (1) inch to fifty (50) feet with contours at two (2) foot vertical intervals showing pertinent topographic features.
 2. The location, use, plan, and dimensions of each building or structure to be constructed and the size of each manufactured home space or lot.
 3. The location, dimension, and arrangement of all open spaces, yards, access ways, entrances, exits, off-street parking facilities, pedestrian ways, location, and width of roads, streets, and sidewalks.
 4. Location, dimensions, and arrangement of all areas devoted to planting, lawns, trees, or similar purposes, with a description including the height and density of all trees or plantings to be used for screening.
- G. Drainage, water supply, and sewage disposal plans shall be submitted to and approved by the Marshall County Engineer, Mississippi Department of Public Health, Mississippi Department of Environmental Quality, as appropriate and required by law.

SECTION 7 – Shipping Containers

Shipping containers may be used for storage as accessory structures, subject to the following conditions:

- A. Shipping containers shall not be used, occupied, or converted for a dwelling or residential use.
- B. Such uses shall be prohibited from use or storage in platted residential subdivisions in any district.
- C. In all other districts, such uses shall be confined to areas in the rear of the principal structure and set back from side and rear lot lines a distance of not less than 30 feet.
- D. Where such lot abuts, either on the side or the rear, any property zoned “R-E”, “R-1”, “R-2”, or “R-3”, a landscaped buffer area, thirty (30) feet in width, shall be maintained along the property lines of such lot or parcel. Such buffer areas shall be installed beginning at the front building setback line and continuing to the rear property line; rear buffer areas shall be installed adjoining the entire rear property line.

SECTION 8 - Solar Facilities

- A. This Section applies to the siting, construction, installation, and decommissioning of any new solar power generation facility, as defined in Article II of this Ordinance, to be constructed or installed after the effective date of this Ordinance within the jurisdiction of Marshall County.
- B. A solar power generation facility shall comply with all applicable federal, state, and local laws, including, but not limited to, the requirements of the Marshall County zoning code and applicable building, fire, electric, and plumbing codes.
- C. This Section shall not apply to roof-top solar installations located upon buildings in the unincorporated area of Marshall County where such installations are owned, leased, or lease-purchased by the property owner from a solar developer or solar business to provide electric service to the owner's property, as long as such installations are installed and operated in compliance with applicable law and regulations.
- D. Site Plan Required. A solar power generation facility shall submit a site plan with sufficient information with which to determine the scope of the proposed facility and the pre-development conditions of the property. The owner or operator of a proposed solar power generation facility shall submit pictures, including aerial photographs (including Google Maps' aerial photographs) of the proposed facility site as part of the application process for approval and permitting of a solar power generation facility.
- E. Decommissioning. Unless otherwise approved by the Marshall County Board of Supervisors, decommissioning shall begin no later than 12 months (365 calendar days) after a solar power generation facility has ceased to generate electricity or thermal energy and shall be finally completed no later than 12 months (365 calendar days) after commencement of such decommissioning. Such decommissioning shall be undertaken and completed by the owner or operator of the solar power generation facility at the time of such decommissioning. Such decommissioning shall be accomplished in accord with the following:
 - 1. A decommissioning plan shall be submitted with each application for the location and construction of an solar power generation and must be approved by the Marshall County Board of Supervisors as part of the solar power generation approval process. The solar power generation shall be decommissioned in

accordance with the most recent decommissioning plan approved by the Marshall County Board of Supervisors, and as further described below.

2. When decommissioned, solar power generation facilities shall be removed from the premises, and such removal shall include, but shall not be limited to, all materials installed or associated with the facilities, including above ground and below ground materials, and such removed materials shall be either deposited in an appropriate public licensed landfill site recycled or otherwise reused in another facility
3. The real property where the solar power generation facility was located shall be returned to its substantially original condition, which existed at the time of approval of the construction of the solar power generation facility by the Marshall County Board of Supervisors.
4. For solar power generation facility sites that were forested sites at the time of approval of the construction, the replanting of the solar site after decommissioning with the same number and species of trees shall be accomplished during the decommissioning process. Replanting with non-native trees or planting only one type does not capture the same habitat and value as the site produced initially, and is not authorized.

SECTION 9 – Temporary Fireworks Stand Requirements and Set-up Procedures

- A. Verification of liability and property damage insurance policy in the amount of \$1,000,000.00 (1 million dollars), with a rider attached designating the County as additionally insured thereunder.
- B. Firework stands shall be located at least twenty-five (25) feet from the road or highway right-of-way, twenty-five (25) feet from adjoining property owners, and twenty-five (25) feet from any structure.
- C. Stands shall be located at least 100 feet from any above-ground storage or use of flammable or combustible liquids.
- D. Off-street parking must be provided for employees and customers.
- E. Weeds and grass must be cut back (mowed close) within 30 feet of the stand. The premises shall be maintained in a clean, neat, and orderly condition at all times and be free from any condition that would create a “fire nuisance”.
- F. Signs must be neat in appearance and located on the property (not on any rights-of-way).
- G. Verification that tents are fire retardant.

- H. Vehicles used for sleeping (trailers, campers, etc.) shall be at least 15 feet from any stand. No sleeping in fireworks stand.
- I. All fireworks retail sales locations shall be under the direct supervision of a responsible person who is at least eighteen (18) years of age or older. There shall be at least one (1) adult at all times during which fireworks are available for sale. Additional employees shall be at least sixteen (16) years of age or older.
- J. Bathroom facilities shall be provided for employees.
- K. No shooting of fireworks shall be permitted within three hundred (300) feet of the fireworks stand.
- L. Sales of fireworks shall not be made to any person under the age of sixteen (16) years.
- M. There shall be no matches, lighters, or other open flame devices stored, nor offered for sale in any fireworks stand.
- N. Exits shall be at least 36 inches in width. Stands more than twenty (20) feet in length must have at least two (2) exits, and stands more than forty (40) feet must have at least three (3) exits. There shall be exits on the front and back of the structure. Exits shall be spaced approximately an equal distance apart, but in no case shall the distance between exits exceed twenty (20) feet. The aisles within the stand shall be maintained free and clear of all obstructions and shall be at least three (3) feet in width.
- O. "NO SMOKING" signs shall be prominently displayed in red lettering on the fireworks stand. No smoking shall be allowed within 100 feet of the stand.
- P. All applications for fireworks stand permits shall supply the following information:
 - 1. Applicant's address and telephone number.
 - 2. Statement from the property owner that the applicant can sell fireworks from the property in question. The owner must include his telephone number and address.
 - 3. List of salespeople and their ages.
 - 4. Telephone number for the fireworks stand.
 - 5. Drawing of the property indicating locations of the stand from the road right-of-way or highway right-of-way. Show parking area for customers with dimensions.

6. The applicant must contact the Marshall County Zoning Office and arrange a time for inspection before selling any fireworks.

SECTION 10 – Travel Trailers and Recreational Vehicles

Travel trailers and recreational vehicles shall be parked at the back of a residence and be appropriately tagged. Travel trailers and RVs are not for permanent residence. Temporary occupancy can be allowed with a special exception, but only for a period of six (6) months for building a home or a verified medical or financial hardship (example: house burning) exists, and with an approved septic system located on the property for hook-up.

ARTICLE VI SIGN REGULATIONS

SECTION 1. Purpose & Intent

Signs are crucial in identifying and promoting properties, businesses, services, residences, events, and other matters of public interest. This Ordinance intends to regulate all signs within Marshall County to ensure that they are appropriate for their respective uses, in keeping with the appearance of the affected property and surrounding environment, and protective of the public health, safety, and general welfare by:

- A. Setting standards and providing uniform, scientifically based controls that permit reasonable use of signs and preserve the character of Marshall County.
- B. Prohibiting the erection of signs in such numbers, sizes, designs, illumination, and locations as may create a hazard for pedestrians and motorists.
- C. Avoiding excessive conflicts from large or multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness, and confusion.
- D. Establishing a process for reviewing and approving sign permit applications.
- E. Regulating signs to the minimum necessary with respect to category, location, size, placement, and construction, and without regard to content or message, to safeguard the fundamental right of free speech guaranteed to all people by the U.S. Constitution.

SECTION 2. General Provisions

- A. Any person who displays a sign in compliance with this Ordinance may substitute the message on that sign without first securing any additional approval, permit, or notice, provided that any such substitution would not result in the sign becoming noncompliant.
- B. Nothing in this Ordinance is intended or shall be construed to prevent the strengthening or restoration to a safe condition of a nonconforming sign for purposes of public health and safety.
- C. Freestanding signs shall be set back a minimum of ten feet (10') from the right-of-way of any state highway or county road and shall not be placed at intersections, driveways, or other locations that obstruct the view of traffic.
- D. Freestanding signs located within twenty feet (20') of the edge of any road shall not obstruct visibility between four (4) feet and ten feet above finished grade.

SECTION 3. Definitions

Unless otherwise specified or required by the context, the words and phrases defined in this section shall have the meanings indicated when used in this article.

- A. **Flags:** A sign made of cloth, vinyl, or a similar pliant material attached on one side to a flagpole or other attachment point and designed to fly in the wind.
- B. **Freestanding Sign:** A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign. A sign without supporting elements, such as a monument sign, is also freestanding.
- C. **Mural:** A painted image or design on a building, which may or may not include words. The definition of “mural” does not encompass architectural elements incorporated into a building’s structure or facade.
- D. **Nonconforming sign:** Any sign that was lawfully erected in compliance with the applicable regulations of the zoning ordinance before the effective date of this Ordinance and that fails to conform to the current standards or restrictions.
- E. **Sign:** Any device, display, or structure that is visible from a public place and that has words, letters, figures, designs, symbols, logos, illumination, or projected images. This definition does not include architectural elements incorporated into the structure or facade of a building. For the purposes of this Ordinance, “signs” do not include those only visible from the inside of a building or athletic field/stadium; nor do “signs” include those held by or attached to a person.
- F. **Sign (Off-site Advertising)** -Any sign advertising an object, project, person, place, activity, institution, or business not conducted or situated upon the property upon which such sign is located.
- G. **Temporary Sign:** A sign constructed of cloth, canvas, vinyl, paper, plywood, fabric, plastic, or other lightweight material that is neither permanently installed on the ground nor permanently affixed to a building or structure. The term “temporary sign” includes, but is not limited to, A-frame signs, lawn signs, banners, inflatable signs, and window signs. The term “temporary sign” does not include flags or signs intended to move regularly, such as motorized signs.

SECTION 4: Permit Required for Signs

- A. All signs not otherwise exempted from the permit requirement shall obtain a permit from the Administrative Official before display. Such permit shall provide the E-911 address and/or tax parcel number of the property upon which such sign is to be

situated; indicate the current zoning classification of the property; provide a scale drawing of the size, height, message, and location of such sign; and the name, address, and telephone number of the owner of such sign.

- B. No sign may be constructed, erected, moved, enlarged, illuminated, or substantially altered except in accordance with the provisions of this section.
- C. Plans submitted for a building permit shall include sufficient detail so that the Administrative Official can determine whether the proposed sign or signs comply with the provisions of this Ordinance.
- D. Issuing the requested permit shall constitute approval of the proposed sign or signs.
- E. In the case of a lot occupied or intended to be occupied by multiple tenants (e.g., a shopping center), sign permits shall be issued in the name of the lot's owner or agent rather than in the name of the individual business enterprise requesting a particular sign.

SECTION 5: Signs Excluded from Regulation

The signs in this section do not require a sign permit, shall not be counted against any maximum sign allotment for a particular property, and are not subject to other restrictions on signs in this Ordinance, except the Prohibited Signs, Section 6 of this Article. These exempted signs are:

- A. Official government signs, including traffic and regulatory signs, posted notices, traffic control devices, and signs required by law.
- B. Signs inside a building or not visible from a public right-of-way.
- C. Holiday and seasonal decorations.
- D. Up to 5 signs on any property that do not exceed two (2) square feet per sign, typically used to indicate name and address, to mark private drives, and/or to provide security, warning, and no trespassing/soliciting notifications.
- E. All temporary signs smaller than eight (8) square feet on private residential property.
- F. All temporary signs on private business, industrial, or agricultural property, provided such signs contain no more than thirty-two (32) square feet and meet all other sign requirements.
- G. All flags.
- H. All inflatable signs in business and industrial properties that are safely attached to the ground.

- I. All lightweight signs, decals, stickers, or paint placed on operable vehicles with the vehicle owner's permission.
- J. Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain trademarks, moving parts, or lights.
- K. Murals affixed to buildings in business and industrial districts.
- L. Signs not visible from beyond the property line that direct and guide traffic on private property.

SECTION 6: Prohibited Signs

The following are prohibited:

- A. Any sign that is structurally unsafe, unsafely installed, or otherwise hazardous to physical safety.
- B. Any sign that is not maintained in good condition.
- C. Any sign, including temporary or exempt signs, that is not firmly affixed to a location to prevent movement due to normal wind, weather, or other turbulence in the air (e.g., passing vehicles).
- D. Any temporary or exempt sign shall have sufficient information to identify its owners in case of theft, dislocation, or a violation of this Ordinance, and signs lacking such identification shall be prohibited.
- E. Any sign obstructing free ingress to or egress from a fire escape, door, window, or other required access to or from a building or site.
- F. Any sign that blocks a driver's clear line of sight of traffic or pedestrians.
- G. Any sign that interferes with the view of, or is confused with, any traffic control sign or device, and any sign that misleads or confuses traffic flow. A sign's position, size, shape, color, and illumination, but not its content, shall be considered when making such a determination.
- H. Any sign containing strobe lights or a change rate or dwell rate of less than four (4) seconds.
- I. Signs containing mirror devices or highly reflective surfaces.
- J. Mechanically Moving Signs – An environmentally activated sign or other display with actual mechanical motion powered by natural, manual, mechanical, electrical, or other means, including but not limited to pennant strings, streamers, spinners, propellers, and search lights.

- K. Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed by this Ordinance. Prohibited is any sign displayed on a parked trailer, truck, or other vehicle where the vehicle's primary purpose is to advertise a product, service, business, or other activity. This regulation shall permit business logos, identification, or advertising on vehicles that are primarily and actively used for business purposes and/or personal transportation.
- L. No sign may extend above any parapet or be placed upon any roof surface, except that for purposes of this section, roof surfaces constructed at an angle of 75 degrees or more from horizontal shall be regarded as wall space. This subsection shall not apply to displays, including lighting, erected in connection with the observation of holidays on the roofs of residential structures.
- M. No sign attached to a building may project more than 12 inches from the building wall.
- N. No sign or supporting structure may be located in or over the traveled portion of any public right-of-way unless the sign is attached to a building's structural element and an encroachment permit has been obtained from the County.
- O. Off-site advertising signs, except as specified in this Section.
- P. Any sign that otherwise violates this Ordinance or the Marshall County, Mississippi Code of Ordinances.

SECTION 7: Determining the Number of Signs

- A. To determine the number of signs, a sign shall be considered a single display surface or display device containing elements organized, related, and composed to form a unit. When matter is displayed randomly without the organized relationship of elements, each element shall be considered a single sign.
- B. A two-sided or multi-sided sign shall be regarded as one sign so long as:
 1. For a V-type sign, the two sides are at no point separated by a distance that exceeds five feet, and
 2. For double-faced (back-to-back) signs, the distance between the backs of each face of the sign does not exceed three feet.

SECTION 8: Computation of Sign Area

- A. The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop

or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.

- B. If the sign consists of more than one section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.
- C. For two-sided, multi-sided, or three-dimensional signs, the sign surface area shall be computed by including all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point. Without otherwise limiting the generality of the foregoing:
 - 1. The sign surface area of a double-faced (back-to-back) sign shall be calculated by using the area of only one side of such sign, so long as the distance between the backs of such signs does not exceed three feet.
 - 2. The sign surface area of a double-faced (back-to-back) sign constructed in the form of a “V” shall be calculated by using the area of on y one side of such sign (the larger side if there is a size difference), so long as the angle of the “V” does not exceed 30 degrees and at no point does the distance between the backs of such sides exceed five feet.

SECTION 9: Residential And Agricultural Sign Regulations

- A. Unless otherwise provided in this section, the total surface area devoted to all signs on any lot used for residential or agricultural purposes or a vacant lot located in a district zoned for residential or agricultural purposes shall not exceed the limitations set forth in this section. All signs except temporary and exempt signs shall be included in this calculation.
- B. Unless otherwise provided, the maximum sign surface area permitted on any single-family or duplex lot in any residential district, including those used for home occupations or business purposes (e.g., bed and breakfast), is twelve (12) square feet per lot frontage. Corner lots and lots with frontage on more than one street shall be entitled to twelve (12) square feet per frontage.
- C. Subdivisions, apartment, multi-family dwellings and condominium complexes are permitted a freestanding sign not to exceed thirty-two (32) square feet, and further provided that one (1) such sign shall be allowed for each separate street and/or separate street frontage occupied by the subdivision, apartment, or condominium complex or one for each means of entrance to or exit from the subdivision, apartment, or condominium complex.
- D. Wall signs are not to exceed five (5) percent of the area of the façade in elevation view upon which they are placed.

- E. Other permitted non-residential uses in a Residential Zone are permitted a freestanding sign not to exceed forty-eight (48) square feet, and further provided that one (1) such sign shall be allowed for each separate street frontage occupied by the permitted use, and for each means of entrance to or exit from the permitted use.

SECTION 10: Business and Industrial Sign Regulations

- A. Unless otherwise provided in this section, the total surface area devoted to all signs on any lot used for business or industrial purposes or a vacant lot located in a district zoned for business or industrial purposes shall not exceed the limitations set forth in this section. All signs except temporary signs shall be included in this calculation.
- B. For signs typically used as a directory of tenants engaged in professional and/or business activity on the premises (but not limited to), the area shall not exceed thirty-two (32) square feet. Not more than two (2) such signs shall be permitted on premises held in single and separate ownership unless such premises front on more than one (1) street, in which case two (2) such signs shall be permitted on each separate street frontage.
- C. Freestanding signs:
 - 1. Freestanding signs shall be securely fastened to the ground or some other substantial supportive structure so that there is virtually no danger that the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property.
 - 2. Freestanding signs shall be limited to one (1) per property held in single and separate ownership, except for a property that has frontage on more than one (1) street, in which case one (1) such sign shall be permitted for each separate street frontage. If a property has frontage that exceeds three hundred (300) lineal feet on any given roadway, one (1) additional such sign on such frontage shall be permitted; and for each multiple of three hundred (300) lineal feet of frontage thereafter, one (1) additional such sign shall be permitted for each separate street frontage.
 - 3. A single side of a freestanding sign may not exceed 50 square feet.
 - 4. For freestanding signs with no discernible sides, such as spheres or other shapes not composed of flat planes, no such freestanding sign may exceed the maximum total surface area allowed.
 - 5. Freestanding signs shall observe the building setback requirements.
 - 6. No part of a freestanding sign may exceed a height, measured from ground level, of 35 feet.

- D. Wall signs: The maximum size for any wall mounted sign shall be the greater of fifty (50) square feet or one (1) square foot of wall mounted sign, per each wall, for each (1) linear foot of wall length for buildings located within thirty (30) feet from the edge of the road or highway; and three (3) square feet of wall mounted sign, per each wall, for buildings located one hundred (100) feet or more from the edge of the road or highways.
- E. Off-site advertising signs shall be classified as a business use and permitted only in the C-1 and C-2 (commercial), I-1 and I-2 (industrial) zoning districts, and by Special Exception in the Agricultural district. Outdoor advertising signs shall not exceed five hundred (500) square feet in area nor a height over thirty-five (35) feet from finished grade. No outdoor advertising sign shall be erected within one thousand (1,000) feet of any other existing outdoor advertising sign on the same side of the road or highway as such a proposed sign.

SECTION 11: Sign Illumination and Signs Containing Lights

- A. Unless otherwise prohibited by this chapter, signs may be illuminated if such illumination follows this section.
- B. No sign within 150 feet of a residential zone may be illuminated between the hours of midnight and 6 a.m. unless the impact of such lighting beyond the boundaries of the lot where it is located is entirely inconsequential.
- C. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign.

SECTION 12: Maintenance of Signs

- A. All signs and all components thereof, including, without limitation, supports, braces, and anchors, shall be kept in good repair. Free-standing signs and components (supporting structures, backs, etc.) that do not bear a message shall be constructed of materials that blend with the natural environment or painted a neutral color to blend with the natural environment.
- B. If the message portion of a sign is removed, leaving only the supporting “shell” of a sign or the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within 30 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to alter the effect of prohibiting the replacement of a nonconforming sign. Nor shall this subsection be construed to prevent the changing of the message of a sign.

- C. The area within 10 feet in all directions of any part of a freestanding sign shall be clear of all debris and undergrowth over five inches in height.

SECTION 13: Nonconforming Signs

- A. No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. Nor may illumination be added to any nonconforming sign.
- B. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this chapter.
- C. If natural causes destroy a nonconforming sign, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this chapter, and the remnants of the former sign structure shall be cleared from the land.

SECTION 14: Amortization of Nonconforming Signs

- A. Upon change of business occupancy, a nonconforming sign that exceeds the height, size, or spacing limitations by more than 10 percent or is nonconforming in some other way shall comply with the foregoing.
- B. If the nonconformity consists of too many freestanding signs on a single lot or an excess of total sign area on a single lot, the person responsible for the violation may determine which sign or signs need to be altered or removed to bring the development into conformity with the provisions of this article.

ARTICLE VII ADMINISTRATION, ENFORCEMENT, AND MISCELLANEOUS PROVISIONS

SECTION 1 – Enforcement Officer

The provisions of this Ordinance shall be administered and enforced by an Administrative Official appointed by the Board of Supervisors. This official shall have the right to enter upon any premises at any reasonable time before the issuance of a building permit for the purpose of inspecting buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.

SECTION 2 – Building Permits

It shall be unlawful to commence the excavation for, or the construction or moving of, any building, mobile home, modular home or other structure, including accessory structures, until the Administrative Official has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this Ordinance. An application for a building permit must be submitted to the Administrative Official on forms provided for that purpose. Any building permit issued shall become invalid unless the work authorized by it has been commenced within six (6) months of its date of issue, or if the work authorized by it is suspended or abandoned for a period of one (1) year.

SECTION 3 – Approval of Plans

- A. A site plan shall be submitted for review and approval prior to the issuance of any building permit, development permit, zoning certificate, or approval of a conditional or special exception use for any of the following:
 1. Construction, alteration, or relocation of any principal or accessory structure, other than single-family dwellings and manufactured homes on individual lots.
 2. Development of multi-family dwellings, manufactured home parks, manufactured home developments, commercial uses, institutional uses, and industrial uses.
 3. Any use requiring a conditional use permit or site-specific review by the Planning Commission.
 4. Any proposed parking area serving multiple uses or concurrent activities.
 5. As otherwise required by this Ordinance.

B. Site Plan Contents: The site plan shall be drawn to scale, with a minimum scale of one (1) inch equals fifty (50) feet (1" = 50'), and shall include the following information, unless waived by the Administrative Official:

1. Property Information

- a. The actual shape, boundaries, and dimensions of the lot or parcel.
- b. Topographic contours at two (2) foot intervals, where grading, drainage, or manufactured home parks are proposed.
- c. The zoning district and proposed use of the property.

1. Building and Structure Information

- a. The location, dimensions, and use of all existing and proposed buildings and structures.
- b. Setbacks from all property lines and distances between buildings.
- c. The location of refuse containers, fences, walls, and accessory structures.
- d. Elevations or renderings may be required for multi-family or commercial projects.

2. Circulation and Access

- a. The location, dimensions, and arrangement of all access points, entrances, and exits.
- b. Internal drives, circulation lanes, and fire lanes.
- c. Sidewalks, pedestrian ways, and connections to public rights-of-way.
- d. Adjacent street names and access points.

3. Parking and Loading

- a. A parking plan showing the number and layout of all off-street parking spaces, including ADA-compliant spaces.
- b. Parking calculations demonstrating compliance with minimum requirements for all concurrent uses and activities.
- c. Off-street loading areas and turnarounds.

4. Landscaping and Open Space

- a. The location, dimensions, and arrangement of all open space, planting areas, buffers, lawns, and trees.

- b. The height and density of vegetation proposed for screening.
 - c. Required common areas, if applicable.
- 5. Utilities and Drainage
 - a. The location and size of all existing and proposed water, sewer, gas, and electric utilities.
 - b. Fire hydrant locations.
 - c. Drainage and stormwater management plans.
- 6. Name(s) of public utility provider(s) and evidence of service availability.
- 7. For developments requiring public health review approvals for septic and/or sewer, documentation of review and approval by the Mississippi Department of Public Health and/or Mississippi Department of Environmental Quality must be provided.

C. Submission and Review

The site plan shall be submitted to the Administrative Official for review and approval prior to issuance of any building permits. Where proposed activities do not require further action by the Planning Commission or Board of Supervisors, the Administrative Official shall review and approve, subject to modifications, or deny the proposed site plan within thirty (30) days of receiving a completed site plan application. The Administrative Official may require reasonable modifications to the site plan as necessary to ensure consistency with the Comprehensive Plan, this Ordinance, and the health, safety, and welfare of the County, subject to appeal by the applicant to the Board of Adjustment.

D. Waivers and Minor Revisions

The Administrative Official may waive the requirement for a site plan or specific submittal elements where conditions indicate that the site plan or specific elements are not necessary to ensure compliance with this Ordinance. The Administrative Official may approve minor revisions to approved site plans when such modifications do not materially alter the layout, intensity, or character of the development and do not violate ordinance standards.

SECTION 4 – Amendments

- A. The Board of Supervisors may, from time to time, on its own motion or upon petition by the owner or agent of a property owner or upon a proposal from the Planning

Commission, after public notice and hearing, amend, supplement, change, modify, or repeal the boundaries or regulations herein or subsequently established.

- B. The Board of Supervisors may make amendments to the substance of any provision(s) of the Zoning Ordinance upon its own motion, consistent with state law regarding notice and publication. All other proposed or required amendments, regardless of origin, shall be referred to the Marshall County Planning Commission for review and recommendation to the Board of Supervisors.
- C. Upon receipt of an application for a Zoning Ordinance amendment or receipt of notice of a need for an amendment from the Board of Supervisors or upon initiation of an amendment by the Planning Commission, the Administrative Official shall give at least fifteen (15) days' notice of the time and place of a public hearing before the Planning Commission on such amendment. Such notice shall be published in an official paper of general circulation in Marshall County and such notice shall include the date, time and location of the public hearing; case number; name of applicant; existing and proposed zoning classification of the property; and location of property by tax parcel number(s), E-911 address (if any) and a general description of the property location. A legal description of the property shall not be required to be published as part of such public notice of hearing.
- D. In the event such amendment involves an application by a property owner, or his agent, for rezoning of a parcel or parcels of land, the Administrative Official shall require that such owner or agent erect a sign, or signs, upon such parcel(s) at least fifteen (15) days prior to such hearing. Such sign(s) shall provide information, in letters legible from the nearest road, as to the current zoning classification of such parcel(s); the zoning classification being sought for such parcel(s); the date and time of such hearing before the Planning Commission; and the phone number of the Administrative Official. One sign shall be required for each five hundred (500) feet of road frontage of each parcel proposed to be rezoned and shall be a minimum of four (4) feet by four (4) feet. In the event rezoning of a parcel or parcels of land is initiated by either the Board of Supervisors or the Planning Commission, such sign(s) shall be erected by the Administrative Official.
- E. Written notice shall also be given by the Administrative Official to the owners of all properties abutting the parcel(s) proposed to be rezoned and to the owners of all properties abutting the parcel(s) to be rezoned. Roadways shall be excluded when determining which properties are abutting properties, and the Administrative Official may send notices to other property owners in the area when deemed appropriate. Such notice(s) shall be mailed at least fifteen (15) days before the date of the public hearing. The Planning Commission shall hold the public hearing at the time, date, and place specified in the public notice. Any person may appear before the Commission either in person or by agent or may file written comments regarding such an application with the Administrative Official before the hearing. The Planning

Commission shall make a recommendation to the Board of Supervisors regarding approval or denial of the application and shall state in its minutes the reasons therefor. The Planning Commission shall make a recommendation within forty-five (45) days following the public hearing; otherwise, the application shall be forwarded to the Board of Supervisors without a recommendation.

- F. The Administrative Official shall, within ten (10) days following such a recommendation, transmit to the Chancery Clerk a copy of the rezoning application and the recommendations of the Planning Commission. The Chancery Clerk shall place the matter on the agenda for the next regular meeting of the Board of Supervisors.
- G. The Board of Supervisors may act upon the recommendation of the Planning Commission without further public hearing. Provided, however, that any party aggrieved by the recommendation of the Planning Commission shall be entitled to a public hearing before the Board of Supervisors with due notice thereof after publication for the time as provided in this Ordinance.
- H. In the event any party is aggrieved with the Planning Commission's recommendation and desires a hearing before the Board of Supervisors, such party shall give written notice of appeal to the Chancery Clerk within ten (10) days following the date of such recommendation and shall pay such fee as may be established by the Board of Supervisors for zoning appeals. In such event, the Chancery Clerk shall set the time and date of a public hearing before the Board of Supervisors for hearing of such appeal; publish a notice of public hearing at least fifteen (15) days prior to the date of such hearing; give notice to the Administrative Official of such hearing; and give written notice of such hearing to the appellant. The Administrative Official shall give written notice of such hearing to other parties having an interest in the matter as may be known to the Administrative Official. Appeal from the final decision of the Board of Supervisors shall be to Circuit Court as provided by law.
- I. The Board of Supervisors' order approving or denying any amendment shall include the case number, name of applicant, and tax parcel number(s) of the property. It shall state the reason(s) for such approval or denial.
- J. In case of a protest against a change to the boundary of a zoning map signed by the owners of twenty percent (20%) or more, either of the area of the lots included in such proposed change, or of those directly opposite thereto, extending one hundred and 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 two-thirds (2/3) of all the numbers of the Board of Supervisors.

- K. Applications for zoning map amendments shall be made on the forms provided by the Administrative Official and shall contain, as a minimum, the following information:
- L. The applicant's name, address, phone number, interest in the property, tax parcel number, E-911 address of the property (if any), legal description of the property or subdivision lot numbers.
- M. The current and proposed zoning classification of the property and a description of the proposed amendment, including the changed or changing conditions and circumstances which make the amendment necessary, or the error, if any, to be corrected in the Zoning Maps.
- N. A map or sketch showing the property in question and the zoning classification of all abutting properties, exclusive of road rights-of-way.
- O. Such application shall be filed with the Administrative Official thirty (30) days prior to the next regular meeting of the Planning Commission.

SECTION 5 – Board of Adjustment

The Planning Commission shall serve as the Board of Adjustment, and the Board of Adjustment shall comply with the by-laws adopted by the Planning Commission.

SECTION 6 – Appeals

Appeals to the Board of Adjustment concerning the interpretation or administration of this Ordinance may be taken by any person aggrieved by any decision of the Administrative Official. Such appeal shall be taken within ten (10) days following such decision by filing with the Administrative Official a written notice of appeal specifying the grounds thereof and payment of such fee as may be established by the Board of Supervisors for such appeals.

The Administrative Official shall place such an appeal on the agenda for the next regular meeting of the Board of Adjustment, provided that sufficient time is available for public notice thereof and due notice to the parties in interest as is required for amendments to this Ordinance. The Board of Adjustment shall decide such matter within forty-five (45) days of the date of public hearing. At the hearing any party may appear in person or by agent or attorney. Further appeals to the Board of Supervisors shall be as required for appeals regarding variances or special exceptions.

SECTION 7 – Powers of Board of Adjustment

The Board of Adjustment shall have the following powers and duties:

- A. To hear and decide where it is alleged that there is an error in any order, requirement, decision, or determination made by the Administrative Official in the enforcement or administration of this Ordinance. In matters involving an appeal from a decision of the Administrative Official, the Board of Adjustment may, in conformance with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made and to that end shall have all powers of the Administrative Official from whom the appeal is taken. The concurring vote of four (4) members of the Board of Adjustment shall be required to reverse any order, requirement, decision, or determination made by the Administrative Official.

- B. To hear and decide such special exceptions authorized by the terms of this Ordinance and to determine such terms and conditions as may be appropriate when granting such Special Exceptions. A Special Exception shall not be granted by the Board of Adjustment unless and until:
 - 1. A written application shall have been filed with the Administrative Official on forms provided by the Administrative Official, indicating the section(s) of this Ordinance which shall provide sufficient details as to the location and nature of the Special Exception being sought; notice to abutting property owners shall be given as required for amendments to this Ordinance
 - 2. That notice of a public hearing shall have been published as required for amendments to this Ordinance, which shall provide sufficient details as to the location and nature of the Special Exception being sought; notice to abutting property owners shall be given as required for amendments to this Ordinance.
 - 3. Each Special Exception authorized hereunder shall run with the land so long as the conditions under which the Special Exception was granted continue. Provided, however, that the Board of Adjustment may, on a case basis, establish time limits or other conditions related to the duration of such Special Exception. No Special Exception shall be granted by the Board of Adjustment that allows a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the provisions of this Ordinance. The concurring vote of three (3) members of the Board of Adjustment shall be required to authorize any special exception.

- C. To hear and decide such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, so that the spirit of the Ordinance shall be observed and substantial justice done. A variance shall not be granted by the Board of Adjustment unless and until:

1. A written application shall have been filed with the Administrative Official on forms provided by the Administrative Official, indicating the section(s) of this Ordinance under which such variance is sought and stating the grounds upon which such is requested. Such application shall be filed with the Administrative Official thirty (30) days prior to the next regular meeting of the Board of Adjustment.
2. Special conditions and circumstances exist that are peculiar to the land, structure, or building involved and that do not apply to other lands, structures, or buildings within the same district.
3. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties within the same district.
4. That notice of public hearing shall have been published as required for amendments to this Ordinance, which shall provide sufficient details as to the location and nature of the variance being sought; notice to abutting property owners shall have been given as required for amendments to this Ordinance.
5. In granting any variance, the Board of Adjustment shall find that the reasons outlined in the application justify granting such variance and that the variance is the minimum variance which will make possible the reasonable use of the land, building, or structure. The Board of Adjustment shall further make a finding that granting the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious or detrimental to any adjacent property, the neighborhood, or otherwise adversely affect the public welfare. The Board of Adjustment may prescribe such appropriate conditions and safeguards as may be necessary. No variance shall be granted by the Board of Adjustment that allows a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the provisions of this Ordinance. The concurring vote of three (3) members of the Board of Adjustment shall be required to authorize any variance.

SECTION 9 – Appeals to the Board of Supervisors

In the event an party is aggrieved by any final action, decision, ruling, judgment or order of the Board of Adjustment and desires a hearing before the Board of Supervisors, such party shall give written notice of appeal to the Chancery Clerk within ten (10) days of such order and shall pay such fee as may be established by the Board of Supervisors for zoning appeals. In such an event, the Chancery Clerk shall set the time and date of a public hearing at least 15 days before the date of such hearing, and give notice to the appellant. The Administrative Official shall give written notice of such hearing to other parties having

an interest in the matter as may be known to the Administrative Official. Appeals from the final decision of the Board of Supervisors shall be to Circuit Court as provided by law.

SECTION 10 – Fees to be Established

The Board of Supervisors shall establish a schedule of fees for building permits, filing of applications, and any other expense of administering and enforcing this Ordinance.

SECTION 11 – Penalties

The Administrative Official is hereby empowered to issue corrective written notice to persons in violation of any of the provisions of this Ordinance and is hereby authorized to enter upon private property for the purpose of inspecting such property to determine compliance with the provisions of this Ordinance. Such a written notice may be delivered personally to such person or may be mailed by certified mail, return receipt requested, mailed to the violator's last known place of residence or business, and shall be deemed personal service upon the person for the purpose of this Ordinance.

Any person who has been served such notice in accordance with the provisions of this Ordinance and who shall neglect or shall refuse or shall fail to comply fully with the corrective notice so ordered and/or within the time frame so ordered therein, shall violate this Ordinance. In the event such a person fails to comply with the terms of such notice, the Administrative Official, or his designee, shall file a sworn affidavit in Justice Court to be taken against any party in violation of this Ordinance.

Any person, firm or corporation who shall knowingly and willfully violate the terms, conditions or provisions of this Ordinance, for violation of which no other administrative, civil or criminal penalty is prescribed by state or local law, shall be guilty of a misdemeanor and upon conviction therefor shall be sentenced to pay a fine of not to exceed One Hundred Dollars (\$100.00), and in case of continuing violations without reasonable effort on the part of the defendant to correct same, each day the violation continues thereafter shall be a separate offense.

SECTION 12 – General Repealing Clause

All ordinances or parts of ordinances that conflict with or are inconsistent with this Ordinance are herewith repealed.

SECTION 13 – Severability Clause

If, for any reason, any section or provision of this Ordinance should be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the

Ordinance as a whole, or any part thereof, other than the part declared to be unconstitutional or invalid.

SECTION 14 – Effective Date and Board Order

This Ordinance shall take effect and be in force thirty (30) days following the date of adoption by the Marshall County Board Supervisors.



SUBDIVISION REGULATIONS

**MARSHALL COUNTY,
MISSISSIPPI**

Adopted December 15, 2025

BOARD OF SUPERVISORS:

District 1, Goston "Redd" Glover
District 2, Johnny Walker
District 3, Terry Rodgers
District 4, George Zinn, III
District 5, Neil Bennett

Chancery Clerk, Nicole M. Phelps

County Administrator, Tim Powell
Board Attorney, Amanda Smith

Prepared By:



**A RESOLUTION ADOPTING SUBDIVISION REGULATIONS
FOR MARSHALL COUNTY, MISSISSIPPI**

WHEREAS, the Statutes of the State of Mississippi, Section 17-1-23 of the **Mississippi Code of 1972**, annotated, as amended, empowers Marshall County, Mississippi, to (1) "impose such terms as may be necessary to make the provisions of Section 17-1-1 through 17-1-27, inclusive, effective, and such governing authorities may receive easements in the land affected whereby such sections may be made effective" and (2) "order that no plat of a subdivision shall be recorded until it has been approved by the board of supervisors, and the board of supervisors shall have power to require the installation of utilities and laying out of streets in subdivisions or to accept performance bonds in lieu thereof;" and

WHEREAS, the Marshall County Board of Supervisors has prepared such regulations (1) setting forth specific standards and procedures to be followed in the subdividing of land, and/or the development of land in Marshall County to assure that development within the county provides for the proper coordination of new streets and roads within subdivisions with other existing or planned streets and roads and with other features of lots or tracts; and (2) providing requirements of preliminary and final plats and/or construction plans; providing minimum standards of physical improvements in new developments; providing for adequate open spaces for traffic, utilities, firefighting apparatus, recreation, light and air, and the distribution of population and traffic, all of which are to improve the health, safety, and general welfare of the community; and

WHEREAS, the Board of Supervisors has given due public notice of a hearing relating to said subdivision regulations and has held a public hearing in accordance with the requirements of Section 17-1-15 of the **Mississippi Code of 1972**, annotated, as amended on November 17, 2025:

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Marshall County Board of Supervisors, as follows:

1. The statements, matters, facts, findings, determinations, and things recited hereinabove are hereby declared to be true and correct and are adopted as official findings and facts of the Governing Authority of Marshall County and are approved and re-asserted as if fully set forth herein; and

2. That the "Marshall County Subdivision Regulations, 2025" is hereby adopted as the subdivision regulations of Marshall County, Mississippi, and shall apply to the areas of land within the unincorporated jurisdiction and boundaries of Marshall County, Mississippi, and further, the same is incorporated herein in its entirety as if fully set forth herein and that a true and correct copy of the "Marshall County Subdivision Regulations, 2025" is on file with the Chancery Clerk of Marshall County, Mississippi, and can be obtained therefrom.

SO RESOLVED this the 15th day of December 2025.

APPROVED:



By George Zinn III, Board President

ATTEST:

Nicole M. Phelps
Nicole M. Phelps, Chancery Clerk

Cymanda Jr. Smith

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ARTICLE 1- GENERAL

Section 1- Title.

This ordinance shall be known as the "Marshall County Subdivision Regulations, 2025" and may be so cited.

Section 2- Purpose.

These regulations have as their purpose and are designed to:

- A. Establish procedures governing the filing and approval of land subdivision plats and data in Marshall County.
- B. Establish minimum standards governing street, utilities, and other required improvements.
- C. Establish minimum standards and procedures governing the preparation and filing of land subdivision plats and data to be submitted to the County for approval.
- D. Ensure the proper coordination of future streets and their development with existing or planned streets.
- E. Fix penalties for the violation of the provisions of these regulations.
- F. Provide that the County may vary these regulations in some instances or under Certain conditions.

Section 3- Scope.

- A. This Ordinance shall apply to all subdivisions, as defined herein, located or proposed to be located in the unincorporated areas of Marshall County, Mississippi.
- B. It shall be unlawful for any person or entity to lay out, subdivide, plat, or replat any land subject to the provisions of this Ordinance into lots, blocks, streets, or to sell property therein, which has not been subdivided, re-subdivided, platted, or re-platted according to these regulations.
- C. The Board of Supervisors of Marshall County will withhold improvement of any nature whatsoever, including the acceptance and maintenance of streets or roads, in any property subject to this Ordinance, until a final plat of the subdivision has

been filed with and approved by the Planning Commission and the Board of Supervisors, and lawfully recorded in the Chancery Clerk's Office.

- D. No lots shall be sold nor any plat recorded in the Chancery Clerk's Office until such plat as required herein has been approved.

Section 4- Definitions.

For the purpose of interpreting this ordinance, certain words used herein are defined as follows:

- A. Administrative Official - The person or persons appointed or designated by the Board of Supervisors to administer the Zoning Ordinance and coordinate filing and review of subdivision plats by the Planning Commission
- B. Alley - A minor way used primarily for vehicular service to the rear or side of properties otherwise abutting a street.
- C. Board - The Marshall County Board of Supervisors.
- D. Bond, Maintenance - A monetary guarantee, which secures the quality and durability of improvements following the dedication and acceptance of required improvements. An acceptable bond shall include a surety bond from a company licensed to do business in the State of Mississippi; cashier's check, assignment of certificates of deposit; or irrevocable letters of credit from banks located in the State of Mississippi in Marshall County or neighboring counties of the State of Mississippi.
- E. Bond, Performance - A monetary guarantee, which secures the installation of improvements in the event a subdivider defaults on required subdivision improvements. An acceptable bond shall include a surety bond from a company licensed to do business in the State of Mississippi; cashier's check, assignment of certificates of deposit; or irrevocable letters of credit from banks located in the State of Mississippi in Marshall County or neighboring counties of the State of Mississippi.
- F. Building Setback Line - A line beyond which structures must be set back from the street or road right-of-way line upon which the property abuts.
- G. Conditional - Granted or made on provisions set forth in this ordinance.

- H. Cul-de-sac - A short minor street having but one (1) vehicular access to another street and terminated with a vehicular turnaround and not intended to be extended in the future.
- I. Engineer - The designated Marshall County Engineer.
- J. Lot – Any piece, parcel, or tract of land.
- K. Planning Commission - The duly appointed Marshall County Planning Commission. In the absence of such appointed Planning Commission, the Board of Supervisors shall be considered as the Planning Commission.
- L. Plans - All drawings, including cross sections, profiles with working details and specifications, which the subdivider prepares to show the type, character, extent, and details of the improvements required under this ordinance.
- M. Re-subdivision - The re-subdivision of any part or all of any block or blocks of a previously platted subdivision, addition, lot, or tract.
- N. Shall - To be interpreted in its mandatory sense.
- O. Street - A way for vehicular traffic, whether designated a street, highway, thoroughfare, parkway, throughway road, roadway, avenue, boulevard, land, place, or otherwise designated.
- P. Subdivider - Any person, owner, agent, or entity having control of any land within the unincorporated areas of Marshall County and proposing to subdivide such land into lots
- Q. Subdivision - Any division of any lot, tract, or parcel of land into two (2) or more lots or parcels, any one (1) of which has an area of less than five (5) acres, for the purpose, whether immediate or future, of sale or building development. It also includes re-subdivision or re-platting of land, lots, or tracts. Divisions of land in parcels of more than five (5) acres shall not be included within this definition, unless any such division of lots of more than five (5) acres includes the planning or development of a new street, public utility, or access easement.
 - a. Subdivision, Major – a subdivision requiring construction or improvements to streets, roads, or public utilities. The subdivider of a major subdivision shall be required to provide sketch plans, preliminary plats, construction plans, and receive final plat approval as specified in this Ordinance.

- b. Subdivision, Minor – a subdivision of land into five (5) or fewer lots, where construction or improvements to streets, roads, or public utilities is not required. The subdivider of a minor subdivision shall receive final plat approval as specified in this Ordinance and may do so without providing sketch plans, preliminary plats, or construction plans.

ARTICLE II - PLAT PROCEDURE

Section 1- Sketch Plan

- A. Before filing a preliminary plat, the subdivider shall submit to the County Engineer and Administrative Official a sketch plan of the proposed subdivision on a topographic map showing the general layout and other information regarding the types of utilities proposed. Such a sketch plan shall include the total land area owned or to be acquired by the subdivider for the subdivision (by phases, if applicable) and describe the general layout of lots, connections to existing and proposed future streets, including construction easements, and the relationship between phases of development.
- B. The purpose of the sketch plan is to allow the subdivider to avail himself of the advice and assistance of the Administrative Official and County Engineer before preparation of the preliminary plat and before formal application for its approval.
- C. The subdivider shall also consult with other parties potentially interested in the development, including the Mississippi Department of Public Health, Mississippi Department of Environmental Quality, and/or any utility authority providing water, sewer, or natural gas or drainage, to reach, at this initial state, firm conclusion regarding the suitability of the location of the proposed subdivision, the most advantageous subdivision plat, the arrangement of streets and lots and the type of water and sewer systems to be installed. All proposed road names shall be reviewed and approved by the Marshall County E-911 Coordinator before preparation of the preliminary plat.

Section 2- Preliminary Plat

- A. On reaching conclusions regarding the general program and objectives, the subdivider shall cause to be prepared a preliminary plat together with improvement plans and other supplementary material as specified in this section.
- B. At least forty-five (45) days before the Planning Commission meeting at which they are to be considered, the subdivider shall submit four (4) copies of the preliminary plat and supplementary material as specified in this Ordinance to the Administrative Official with a letter requesting approval. The Administrative Official will distribute copies to the Planning Commission and the County Engineer.

- C. Within 90 days after submission of the preliminary plat and other required materials submitted in conformity to these regulations, the Planning Commission shall specify to the subdivider its approval and state the conditions of such approval, or in the event of disapproval, shall state its disapproval and reasons, therefore. However, the subdivider may waive the time limitation requirements and consent to an extension of such period.
- D. The preliminary plat shall be designed in accordance with Article III and describe all improvements required in Article IV. Data required as a basis for the preliminary plat by the Planning Commission and the County Engineer shall include the following:
- a. Boundary Lines - Bearing and distances along the boundary and mathematical closure of the survey.
 - b. Easements - Locations, width, and purpose.
 - c. Streets on and adjacent to the tract: Name, right-of-way width, and type of surfacing.
 - d. Utilities - Locations, size, and invert elevation of any sanitary and storm sewers; location and size of water mains; location of any gas lines, fire hydrants, electric and telephone poles, or streetlights. (If water supply mains and outfall sewers are not on or adjacent to the tract, indicate the direction and distance to and size of nearest ones, showing invert elevation of sewers.)
 - e. Any area having special flood, mudflow or flood-related erosion hazards and shown on a Flood Hazard Boundary Map (FHBM) or a Flood Insurance Rate Map (FIRM) (typically Zone A and AE), where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies, together with elevation data, if available, necessary for floodplain management.
 - f. Other conditions on the tract: Water courses, marshes, houses, and other significant features.
 - g. Vicinity map at a minimum scale of one (1) inch equals eight hundred (800) feet showing the location of the site for the proposed subdivision.

- h. Title under which proposed subdivision is to be recorded, with names and addresses of owners, notation stating acreage, graphic scale, north arrow (true arrow), datum, benchmarks, and date of survey.
 - i. The preliminary plat shall be at a scale of not less than one (1) equals one hundred (100) feet.
 - j. Streets - Names, right-of-way, roadway widths, approximate grades and gradients; similar data for alleys, if any.
 - k. Lot lines, including lot numbers and lot area.
 - l. Sites, if any, to be reserved or dedicated for parks, playgrounds, or other public uses.
 - m. Proposed utilities, including line sizes, approximate invert elevations (where appropriate), and cross sections of principal drainage ditches.
 - n. The size of each drainage structure required for each lot.
 - o. Location, purpose, and width of rights-of-way or easements.
 - p. Sites, if any, for apartment buildings, shopping centers, churches, industry, or other non-public uses exclusive of single-family dwellings.
 - q. Minimum building setback lines.
 - r. Site data, including number and proposed use of lots and typical lot size.
 - s. Title, graphic scale, north arrow (true north), and date.
 - t. Any proposed protective covenants.
- E. Following a review of the preliminary plat and other material submitted for conformity to these regulations and negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made in the proposed subdivision, the Planning Commission and County Engineer shall express their approval or disapproval and state the conditions of such approval if any, or if disapproved, shall express their disapproval and the reasons therefore.
- F. The action of the Planning Commission and County Engineer and any conditions thereof shall be noted on copies of the preliminary plat. Two (2) copies shall be

returned to the subdivider, one (1) retained by the Planning Commission and the other retained by the County Engineer.

- G. Approval of the preliminary plat by the Planning Commission and County Engineer shall constitute authorization for the subdivider to proceed with the development of construction plans for improvements in the subdivision. Construction of all required improvements is subject to inspection and approval by the County Engineer and other appropriate officials or agencies, which have a lawful interest in the development. All construction shall be carried out in conformance with the approved preliminary plat and construction plans.
- H. Approval of the preliminary plat shall not constitute approval of the final plat, nor shall the preliminary plat be recorded in the Chancery Clerk's office, nor shall any lots be sold or recorded.

Section 3 – Construction Plans

- A. Upon approval of the preliminary plat, the subdivider shall be authorized to submit construction plans for required improvements as required by this Ordinance.
- B. Four (4) copies of the construction plans and supplementary material as specified in this Ordinance shall be submitted with a letter requesting approval to the Administrative Official, who shall distribute copies to the County Engineer.
- C. The construction plans shall conform substantially to the preliminary plat as approved. If desired by the subdivider, the construction plans may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time provided, except that, where necessary for future phases of development, the improvements shall be designed.
- D. The improvements and cost estimates specified herein shall be designed by and constructed under the supervision of a Registered Engineer in the State of Mississippi.
- E. The construction plans shall consist of a combination plan and profile for each street and a typical cross section of the proposed grading, drainage, base course, and pavement. Detailed plans shall be submitted for the water and sanitary sewer systems, culverts, drainage structures, and bridges, or, if applicable, standard plans issued by the Mississippi Department of Transportation (MDOT) may be included for reference. The plan and profile sheets (streets and sanitary sewers)

shall be drawn to a horizontal scale of one (1) inch equals one hundred (100) feet and a vertical scale of one (1) inch equals five (5) feet and shall be based on U.S. Government datum (mean sea level). Such plans and specifications for the proposed water and sewer system shall be accompanied by written certification from the Mississippi Department of Health (MDOH) and, as appropriate, the Mississippi Department of Environmental Quality that the proposed system and treatment facilities are in conformance with all applicable laws and regulations.

- F. Construction plans shall contain preliminary estimates of the cost of all improvements to be dedicated to any public authority, in a format acceptable to the County Engineer. The County Engineer shall review estimates as the basis for determining the amount of performance bonds and maintenance bonds, as appropriate. This amount shall be determined in the sole discretion of the County Engineer, subject to review and approval by the Board of Supervisors upon request.
- G. Subdividers shall submit a plan for a construction vehicle entrance, if feasible, to be used for all construction vehicle ingress, so that adjoining roads will not be damaged. The subdivider may be required to post a performance bond for potential damage to existing roads in circumstances where construction may damage existing county roads.
- H. The construction plans shall be reviewed and approved in writing by the Administrative Official and County Engineer before authorizing construction. Said plans shall be submitted and approved as set forth in this Section before construction of any type is begun in the subdivision

Section 4 - Final Plat

- A. Major Subdivision Plat Procedure: The final plat shall not be approved by the Planning Commission nor the Board of Supervisors until the subdivider has completed construction of all improvements as required by Article IV and posted a maintenance bond with Marshall County or has provided a performance bond in an amount sufficient to secure the installation of improvements. Upon approval by the Board of Supervisors and posting of a performance bond, or in the case of actual construction, a maintenance bond, the final plat may be recorded, and lots may be sold within the subdivision.
 - a. The final plat shall conform substantially to the preliminary plat as approved, and shall conform to all requirements of these regulations. Where necessary, the plat may be divided into several sheets, accompanied by an index sheet that shows the entire subdivision.

- b. Two (2) originals and five (5) prints of the final plat shall be prepared. They shall be submitted to the Planning Commission and County Engineer within one (1) year after approval of the preliminary plat. Original copies shall be drafted or reproduced on a stable base drafting film. The Subdivider shall also furnish to the Marshall County Tax Assessor a copy of the plat in an acceptable digital format.
- c. It shall be the duty of the Planning Commission and County Engineer to examine the final plat to be certain that it conforms to existing streets, drainage, and utility systems and that all conditions set forth on the preliminary plat have been satisfied, including any conditions established by the Planning Commission. Upon approval of the final plat by the Planning Commission, the County Engineer shall forward the same to the Board of Supervisors, recommending that it be approved.
- d. Upon approval of the final plat by the Board of Supervisors, an endorsement shall be made thereon by the President of the Board and attested by the Chancery Clerk, indicating approval together with the date of the order of the Board. One (1) original copy of the final plat shall be returned to the subdivider, one (1) original copy of the final plat shall be filed with the Chancery Clerk, and the Planning Commission shall retain five (5) prints. The Administrative Official shall transmit copies of the plat to all applicable departments and agencies.

B. Minor Subdivision Plat Procedure:

- a. The Administrative Official shall have the duty to review and decide all minor subdivision plats for compliance with applicable statutes and regulations and may approve any plat that meets those requirements. If a plat does not comply, or if the Administrative Official determines that further review is warranted, the plat may be denied or referred to the Planning Commission. Upon referral, the Planning Commission shall recommend approval, denial, or resubmittal as a major subdivision, and the Administrative Official shall consider that recommendation when issuing a final decision. The Administrative Official's signature shall be sufficient to indicate approval of a minor subdivision by Marshall County. The Administrative Official's decision to approve, deny, or require resubmittal as a major subdivision may be appealed to the Board of Supervisors.

- b. Two (2) originals and five (5) prints of the final plat shall be prepared. They shall be submitted to the Administrative Official and County Engineer. Original copies shall be drafted or reproduced on a stable base drafting film. The Subdivider shall also furnish to the Marshall County Tax Assessor a copy of the plat in an acceptable digital format. A minor subdivision shall be clearly identified as a “Minor Subdivision” on the plat.
- C. Each final plat shall be prepared at a scale of one (1) inch equals one hundred (100) feet and shall show the following:
 - a. Primary control points, approved by the County Engineer, or descriptions and "ties" to such control points to which all dimensions, angles, bearing, and similar data on the plat shall be referred.
 - b. Monuments, tract boundary lines, right-of-way lines of streets and easements, and property lines of residential lots and other sites. Sufficient data, including accurate dimensions, bearings, deflection angles and radii, areas, and central angles of all curves to determine readily and reproduce on the ground any line on the map.
 - c. Names and widths of each street or other right-of-way.
 - d. Location, dimensions, and purposes of any easements.
 - e. Number to identify each lot or site.
 - f. Purpose for which sites other than residential lots are dedicated or reserved.
 - g. Minimum building setback line on all lots and other sites.
 - h. Location and description of boundary monuments.
 - i. Title, graphic scale, north arrow (true north), and date.
 - j. Any proposed protective covenants in form for recording.
 - k. Designation, as appropriate, in the notes or title of the plat of the intent to develop as a “residential subdivision” subject to any additional restrictions thereto.
 - l. The following information shall appear on the original tracing of the final plat:

i. A metes and bounds description of the subdivision boundary.

ii. Engineer's or Surveyor's Certificate:

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property made by me or under my supervision.

By _____ License No _____.

iii. Owner's Certificate

The undersigned owners of the property shown hereon hereby adopt this plat as our plan of subdivision and dedicate the street rights-of-way, utilities, and easements as shown to public use forever.

Signed _____

iv. County Engineer's Recommendation:

I have examined this plat and find that it conforms to all conditions set forth on the preliminary plat as approved by the Planning Commission and recommend approval.

County Engineer

iv. Other Certificates:

[All Other certifications and notations required to be on a final subdivision plat by the State Board of Registration for Professional Engineers and Land Surveyors]

v. County Board of Supervisors' Certification

I hereby certify that this is a true copy and that this plat was approved by the Board of Supervisors in session on _____
(Date)

President, Board of Supervisors, Marshall County, Mississippi

ATTEST:

Chancery Clerk
Marshall County, Mississippi

OR FOR A MINOR SUBDIVISION PLAT APPROVED BY THE ADMINISTRATIVE OFFICIAL

vi. Marshall County Administrative Official

I hereby certify that this is a true copy and that this plat approved as a minor subdivision on _____
(Date)

Administrative Official, Marshall County, Mississippi

ATTEST:

Chancery Clerk
Marshall County, Mississippi

Section 5 – Performance Bonds, Maintenance Bonds, Inspections, Dedication, and Acceptance of Improvements

- A. The subdivider may post a performance bond in an amount sufficient to secure the installation of improvements. The bond shall be in a form adequate to guarantee payment to Marshall County in the event of default and shall be provided for a period not less than four (4) years. No such bond shall be accepted unless it is enforceable by or payable to Marshall County with proceeds therefrom at least equal to the amount estimated by the County Engineer to be sufficient to construct required improvements, built to the required specifications within four (4) years, factoring in a reasonable estimate of inflation not to exceed 25% of the County Engineer’s estimated cost of improvements.
- B. The bond shall be provided in a form with surety and conditions approved by the County Attorney, along with a development agreement, signed by the subdivider and approved by the Board of Supervisors, whereby the subdivider agrees to construct improvements within four (4) years or permit the county to cause the construction thereof using the proceeds of the performance bond. This agreement and bond shall be conditional to secure the construction of the required work in a satisfactory manner and within a period specified by the Board, such period not to exceed four years. All subdivision improvements shall be completed within four years from the recording of any final plat for which a performance bond is provided.
- C. The Board of Supervisors, on the recommendation of the County Engineer and Road Manager, may reduce liability on the performance bond as work progresses and, after an offer of dedication, may reduce the bond to such amount as the County Engineer and Road Manager deem sufficient to constitute a maintenance bond.
- D. From and after final plat approval to the formal acceptance of an offer of dedication for improvements by the County or other governing authorities, the Subdivider shall be responsible for all repairs and maintenance to the roadway and other improvements that would be necessary for the roadway to be safely navigated or the proper functioning of other improvements.
- E. The Subdivider shall notify the County Engineer and request inspection at the following stages of construction:
 - a. Proof Rolling Inspection: After completion of the roadway base and before placing any surface mix (proof rolling stage).
 - b. First Asphalt Inspection: After installation of all improvements except the final one and one-half (1½) inches of surface course.

- c. Final Acceptance Inspection: Upon completion of all improvements and the warranty period.
 - d. Other Inspections: The County Engineer or Road Manager may increase the frequency of inspections to ensure conformity with this Ordinance.
- F. Following each inspection, the County Engineer shall report findings to the Board of Supervisors and provide written notice of any deficiencies to the Subdivider. All required corrections shall be completed within the time specified. If corrections are not made, the Board may take action against the performance bond or exercise other remedies, including denial of acceptance of the improvements.
- G. The County Engineer shall inspect the subdivision and report to the Board of Supervisors any maintenance issues that require adjustment by the subdivider. Notice of any repairs to be performed and completed by the Subdivider shall be provided to the Subdivider by the County Engineer, County Administrator, or County Road Manager. Once notice is provided to the Subdivider, the repairs shall be undertaken and completed within three (3) months, or the Board can take action against the bond as one of the remedies available, as well as exercising any other remedies.
- H. Failure to comply with inspections may result in penalties, including an extension of the warranty period for maintenance bonds. In its sole discretion, upon the recommendation of the County Engineer, the Board of Supervisors may require the subdivider to demolish and rebuild improvements to provide for required inspections or deny acceptance by the County of any improvements that are not inspected in accordance with this Ordinance.
- I. The final one-and-one-half inches of surface course shall not be installed until the completion of building construction upon 75% of said lots in any subdivision or phase thereof.
- J. Upon completing construction, the subdivider may make an offer of dedication to Marshall County and other governing authorities with jurisdiction over public infrastructure, utilities, drainage, or other improvements. The offer of dedication shall certify that construction has been undertaken, inspected, and completed in accordance with this Ordinance and any additional requirements of public utility authorities.
- K. All construction will be guaranteed after being offered for dedication to Marshall County or other governing authorities. A maintenance bond, in an amount set by the

County Engineer, will be required to warrant the satisfactory performance of the required improvements. The maintenance bond shall be in effect for two (2) years after the date of offer of dedication of improvements, except that should the subdivider fail to arrange inspections as required by this section, the warranty period of the necessary maintenance bond shall be extended by an additional 4 years for a total of six (6) years, in addition to any other remedies sought by the Board of Supervisors.

- L. For a phased subdivision where the subdivider does not provide a construction entrance for subsequent phases, the County may require that the maintenance bond continue to be in effect for one year beyond completion of building construction upon 75% of said lots in subsequent phases.
- M. The County may also require that the amount of the maintenance bond be increased based upon the recommendation of the County Engineer, and make approval of sketch plans, preliminary plats, construction plans, and/or final plats for any additional phases of subdivision development conditional upon such increase.
- N. Not less than one (1) year before the expiration of the required maintenance bond, and no less than one (1) year after installation and offer of dedication of the final improvements, the subdivider may request acceptance of the improvements by the county for maintenance. Subject to a final inspection by and on the recommendation of the County Engineer, the Board may accept the dedication of improvements and release the maintenance bond or require the subdivider to make necessary repairs or extend the maintenance bond as may be deemed necessary to accomplish repairs or take action against any maintenance bond to cause necessary repairs to be made.

Section 6 - Revision of Recorded Plats

- A. Errors: The Subdivider may correct errors on recorded subdivision plats by making a written request to the Board of Supervisors to have such correction made. The Board may direct that the correction be made directly on the existing recorded plat, or they may direct that a new plat be filed as in Section "B" below.
- B. Revision of Plats: The Marshall County Board of Supervisors, on the recommendation of the Planning Commission and on such terms and conditions as it imposes, may authorize revision of recorded plats combining lots, changing lot lines or calls, correcting errors, and other revisions on application by the owners of

the lots being changed. The corrected plat shall be filed as a separate revision of the subdivision to include a notation attached to the originally recorded plat showing revisions made and the location of the corrected plat, and a title certificate may be required on the corrected plat.

C. Vacation of Plats:

- a. Any recorded plat or portion thereof may be vacated by the Subdivider at any time before the sale of any lot therein, by a written request to the Planning Commission with a copy of such plat attached. Such a written request shall be approved by the Planning Commission and the Board of Supervisors and recorded in the Office of the Chancery Clerk. The Board of Supervisors may reject such a request that destroys any public rights in any of its public uses, improvements, or streets. The construction of roadways, with the first lift of asphalt or other approved surface material being applied or the installation of utility services, shall preclude the Subdivider from vacating the plat or the partially completed phase, and the Board shall reject any such request. The recorded vacation of a plat or portion thereof shall destroy the effect of the recorded plat and shall divest all public rights in the street, public grounds, and all dedications provided in such plat.
- b. When lots have been sold, the recorded plat may be vacated in the manner described in paragraph A, provided all owners of the lots in such plat join in the execution of such written request. A title certificate shall be included with a copy of the recorded plat.

ARTICLE III - DESIGN STANDARDS

Section 1 - Street and Roadways

- A. The County Engineer and Planning Commission shall review the street system for the proposed subdivision and shall classify all proposed streets into one of the following categories:
 - a. Arterial highway - An officially designated federal or state aid highway.
 - b. Arterial roadway - An officially designated existing county road.
 - c. Collector- streets that carry traffic from local streets to arterial roadways or highways, including the principal entrance streets of the subdivision
 - d. Local - Streets that are used primarily for access to abutting properties.
 - e. Street right-of-way widths shall be as follows:

<u>Street Type</u>	<u>Minimum right-of-way width(feet)</u>
Arterial Highway	100
Arterial Roadway	100
Collector	80
Local	60
Cul-de-sac	100

- B. Each lot shall have frontage on a public street. If a lot does not have frontage on an existing public street, a public street shall be provided by the developer, which is constructed in accordance with the design standards of the Marshall County Subdivision Regulations.
- C. The subdivider shall submit a plan for a construction vehicle entrance to be used for all construction vehicle ingress, so that adjoining roads will not be damaged.
- D. In new subdivisions, where access to proposed lots is through an existing subdivision and where a new street or road is also proposed, which connects the subdivision to an existing county road or state highway, the subdivider shall utilize

the new street or road connecting to the county road or state highway for all construction vehicles during the period of construction within the subdivision.

- E. The subdivider shall install and maintain signs at the connection point of any new street or road within the subdivision to existing streets or roads within any adjoining subdivision. Such signs shall read “ALL CONSTRUCTION VEHICLES MUST USE CONSTRUCTION ENTRANCE”. A sign shall also be installed and maintained at the connection point of the subdivision with such county road or state highway, which reads “CONSTRUCTION ENTRANCE”.
- F. At the time of sale of any lot, the subdivider shall notify the purchaser that all construction vehicles shall use the construction entrance for the construction of any building within the subdivision. The subdivider shall continue to maintain such signs and notify purchasers of the construction vehicle requirement until 90% of the lots within the new subdivision are sold. Failure to comply shall result in suspension of building permits to either violator, the developer, or the lot owner, and/or the requirement of additional road bonds for repairs to existing streets, roads, or the new subdivision roads.
- G. Where necessary to avoid damage to county roads, the subdivider must include a separate and distinct access road to the subdivision, which shall be used for access and travel by all construction-related vehicles and equipment during the development and construction of all phases. The access road can be surfaced with gravel or stone. Upon the completion of the subdivision development project, the access road easement can be abandoned and can revert to the adjoining lot owners or the subdivider. The access road may be converted to a separate public entrance only if it is constructed in accordance with the specifications of this Ordinance.
- H. If a subdivision is being platted along any existing state highway or county road, the Board of Supervisors may require the dedication of additional right-of-way so that the right-of-way of the existing road may be increased to the standards as specified in this ordinance. Provided, however, that the dedication of additional right-of-way be limited only to the side of the road which the proposed subdivision abuts, and then only to the extent that one-half (1/2) of the right-of-way needed to bring the total right-of-way to the specified standard shall be dedicated. If a subdivision abuts both sides of an existing road or highway, then the total additional right-of-way necessary to bring such road or highway to the specified standard shall be so dedicated.

- I. The arrangement of streets in a subdivision shall either: (a) provide for the continuation of existing principal streets in surrounding areas; or (b) conform to a plan for the neighborhood as a whole that has been devised to meet an unusual situation such as topography or other conditions that make continuation of existing streets impractical. The subdivider shall prepare a neighborhood plan and have it approved by the County Engineer and the Planning Commission. All subdivisions, or cumulative phases thereof, having 40 or more lots shall have two (2) or more means of ingress and egress to the subdivision from the adjoining public road.
- J. When connecting street lines deflect from each other at any point by more than ten (10) degrees, they shall be connected by a curve with a radius sufficient to ensure an adequate sight distance, or of such radii as the County Engineer shall determine for special cases. Minimum sight distance for streets shall be as follows:

<u>Street.</u>	<u>Minimum Street Distance (Feet)</u>
Arterial highway or roadway	600
Collector	200
Local	150

- K. No trees or shrubs will be permitted to be planted at street intersections. However, the County Engineer and Planning Commission may permit the controlled planting of shrubs and trees on public property, provided that plantings do not interfere with proper drainage and maintenance or obstruct vision required for public safety.
- L. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
- M. A tangent of at least one hundred (100) feet shall be introduced between reverse curves on collector streets. Horizontal curves on arterial and collector streets shall have a minimum of two hundred fifty (250) feet radius computed from the centerline. Horizontal curves on local streets shall have a minimum of a one hundred (100) foot radius computed from the centerline.
- N. Streets shall be laid out to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than seventy-five (75) degrees.
- O. Property lines at street intersections shall be rounded with a radius of ten (10) feet or a greater radius when the County Engineer deems it necessary. The County

Engineer may require comparable cutoffs or chords in place of rounded corners. A comparable chord shall be considered a chord or line connecting the points of tangency of the radius it is replacing.

- P. Half streets shall be prohibited, except in such cases where there exists a half street contiguous thereto. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted with such tract.
- Q. Dead-end streets shall be avoided except where unavoidable for reasons of topography. Where unavoidable and designed to be permanently dead-end streets, they shall be provided with a turnaround at the closed end having an outside roadway diameter of at least eighty (80) feet and a street property line diameter of at least one hundred (100) feet. All dead-end streets shall be properly signed at the entrance. The County Engineer and Planning Commission may require a larger turnaround when it is determined necessary to provide adequate turnaround space.
- R. No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Planning Commission and Marshall County E-911 Coordinator.
- S. All street grades shall be according to the recommendations of the County Engineer.
- T. All lots shall be provided with at least one (1) driveway for egress and ingress with an approved drainage structure if necessary. The property owner shall install a drainage structure that is a minimum of twenty (20) feet in length and shall include installation of all fill and base material required for such drainage structure.

Section 2 -Utility and Drainage Easements

- A. Where necessary, utility and drainage easements shall be provided across lots or centered on rear or side lot lines.
- B. Utility and drainage easements shall be at least twenty (20) feet wide at ground level, or a width designated by the County Engineer.
- C. Where needed for overhead facilities, utility easements shall also provide an additional six (6) foot overhang on each side, providing clearance at and above a height of 12 feet above ground level.

- D. Where easements intersect or sharp changes in alignment are necessary, corners shall be cut off sufficiently to permit equipment access as determined by the County Engineer.
- E. No buildings shall be permitted in easements.
- F. No paving shall be permitted in easements without approval, in writing, from the County Engineer and Administrative Official.
- G. Any overhanging limbs, shrubbery, or vegetation of any kind may be removed from within the limits of easements at the sole discretion of the maintenance personnel of the utilities or drainage installed or to be installed in or above the easements.
- H. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course or an accepted canal or drainage course, and such further width or construction or both, as will be adequate for drainage purposes.

Section 3- Blocks

- A. The lengths, widths, and shapes of blocks shall be determined with due regard to:
 - a. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - b. Needs for convenient access, circulation, control, and safety of street traffic.
 - c. Limitations and opportunities of topography.

Section 4- Alleys

- A. Alleys shall be provided in commercial or industrial subdivisions, except that the County Engineer, following consultation with the Planning Commission, may elect to waive this requirement where other definite and assured provisions are made for service access, such as off-street loading and parking, consistent with and adequate for the uses proposed.
- B. The width of an alley in commercial and/or industrial areas shall be a minimum of twenty-five (25) feet.

- C. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with a turnaround having an outside roadway diameter of at least eighty (80) feet and a right-of-way diameter of at least one hundred (100) feet. The County Engineer and Planning Commission may require a larger turnaround when it is determined necessary to provide adequate turnaround space.
- D. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

Section 5- Lots

- A. All subdivisions shall be surveyed and laid out in such a manner that every lot intended for sale shall face and have frontage on a public thoroughfare.
- B. In subdivisions served by public water and sewer, no lot shall contain less than eight thousand (8,000) square feet or be less than seventy-five (75) feet wide at the building line. In subdivisions not served by public water and sewer, no lot shall be less than one and one-half (1 1/2) acres in size and not less than 150 feet wide at the building line.
- C. All new lots shall conform to the minimum lot size, area, width, setback, and all other applicable requirements of the Marshall County Zoning Ordinance, in addition to the standards established herein.
- D. Lots five (5) acres or greater in size, which are not intended for sale or building development and which would otherwise not be subject to the jurisdiction of these Subdivision Regulations, may nevertheless be required to construct access improvements within dedicated easements where necessary to provide safe and convenient ingress and egress for residents, fire protection, and utility servicing, consistent with the requirements of the Marshall County Zoning Ordinance. Where such improvements are required, they shall meet the minimum standards of this Ordinance.

ARTICLE IV - REQUIRED IMPROVEMENTS

Section 1- Improvements in Subdivision

- A. In consideration of the acceptance by the County and assumption of the responsibility for maintaining the dedicated streets constructed therein, the owner or owners of the subdivision shall cause to be constructed, at no expense to the County, the following improvements according to the specification set forth hereinafter.
- B. All services for utilities shall be made available for each lot in such a manner as will obviate the necessity for disturbing the street pavement and drainage structures when connections are made.
- C. Upon completion of any such utilities or improvements, one set of reproducible tracings of complete final plans dated, signed and certified by an Engineer Registered in the State of Mississippi, shall be filed with the County Engineer or Marshall County showing all features as actually installed, including materials, size, location, depth, elevation, numbers, ends of lines, connections, eyes, valves, storm sewer drains, inlets and all other pertinent information.
- D. All regulatory, hazard, and warning signs and all road name signs required within the subdivision shall be installed by Marshall County at the time of installation of the initial one and one-half (1 1/2) inches of surface course by the subdivider and after payment of the required fee as required by Article V, Section 1. The subdivider shall be responsible for the maintenance of all such signs during the warranty period.

Section 2- Monuments

- A. Monuments shall be placed at all corners or changes of alignment along the boundary of the subdivision and all block corners, angle points, or points of curves in street right-of-way boundary lines. These monuments shall consist of a single one-half (1/2) inch steel rod or larger, set in concrete and extending not less than one-half (1/2) inch above the top of the concrete.
- B. All other markers shall consist of reinforcing rods of not less than one-half (1/2) inch diameter and not less than twenty-four (24) inches in length.
- C. All monuments or markers shall be set with the top thereof flush with the finished grade. Where necessary to prevent disturbance, the monument shall be sunk underground and referenced to permanent landmarks.

Section 3 - Streets

A. The typical cross-section for all subdivision streets shall conform to the minimum standards as follows:

a. Type of roadway	Shoulder width (Edge to edge)	Pavement Width (Edge to edge)
Arterial	36 feet	24 feet
Collector	30 feet	22 feet
Local	30 feet	22 feet
Cul-de-sac (Turnaround Section)	100 feet dia.	80 feet dia.
Alley	16 feet	12 feet

b. Transverse grade two (2) percent minimum.

c. Longitudinal grade ten (10) percent maximum or as per Article III, Section 1, Paragraph L.

B. All subdivision roads shall be paved. Design and construction of all roads shall meet County specifications with the approval of the County Engineer. Pavement design shall be as follows:

a. The minimum pavement design thickness for subdivision streets shall be an eight (8) inch compacted granular base course or the recommended base thickness as calculated for the estimated daily traffic count recommended for the particular subdivision development conforming to the most current procedures for structure and thickness as established by the Office of State Aid Road Construction and as specified in the most current edition of the Mississippi Standard Specifications for State Aid Road and Bridge Construction, Section 304. The materials required and mixing, shaping, and compacting of the material shall conform to all applicable sections and subsections for granular material, Class 4, Group B. Marshall County reserves the right to inspect and test the material in place for compliance with these specifications. The County shall require proof rolling, witnessed by the County Engineer or Road Manager, of the entire roadway base immediately prior to the placing of the surface mix.

Alternate methods of base construction include (1) using sand clay topping with either soil cement or lime fly ash, or (2) using existing sub-grade

material with soil cement based upon a soil cement lab mix design. Both methods for setting up an approved base may be allowed but shall conform and comply with all applicable sections and subsections of the most current edition of the Mississippi Standard Specifications for State Aid Road and Bridge Construction, if requested and approved by the County Engineer.

- b. The minimum wearing surface shall be three (3) inches of Hot Bituminous Pavement (Surface Course) conforming to the most current edition of the Mississippi Standard Specifications for State Aid Road and Bridge Construction, Section 403. The material and construction requirements shall conform to all applicable sections and subsections for surface course hot bituminous mix mixed in a central plant and placed hot, all according to the specifications mentioned above. One and one-half (1 1/2) inches of surface course shall be installed upon approval of the base material by the County Engineer. The remaining one and one-half (1 1/2) inches of surface course shall be installed no sooner than six (6) months nor later than twelve (12) months after installation of the initial surface course. Before the installation of the final surface course, the County Engineer shall inspect the initial surface course, and any defects in the surface course, base, and/or sub-grade shall be corrected by the Subdivider.

Section 4 - Water System (where applicable)

- A. The water system shall have a sufficient number of outlets and shall be of sufficient size to furnish an adequate water supply. Individual water wells may be used only if written approval is obtained from the County Health Department.
- B. The calculated pressure within the system, at maximum use flows, shall not be less than twenty (20) pounds per square inch at the curb stop.
- C. If the proposed subdivision is near or adjacent to an existing municipal water system, the subdivider shall make every effort to connect the water system of the proposed subdivision with that of the municipality. If the proposed subdivision abuts any municipality or if the subdivision is to be connected to a municipal system, the water system within the subdivision shall conform to the specifications required by that municipality as if the subdivision were within the corporate limits of such municipality. In any event, the water system constructed within the subdivision shall meet the minimum requirements of these regulations.

- D. If the proposed subdivision is located within or abuts an existing water district association, the water system within the subdivision shall be connected to such water district association. It shall conform to the specifications of such water district association. However, the water system constructed within the subdivision shall meet the minimum requirements of these regulations.
- E. All water system improvements to be dedicated to a system's governing authority shall be located within a dedicated easement or road right-of-way. Where water mains are to be located within the street right-of-way, they shall be located at a maximum distance of five (5) feet inside the right-of-way or as approved by the County Engineer. Casings, approved by the County Engineer or County Road Manager, shall enclose any water line that crosses an existing or proposed county road.
- F. All water systems shall meet the minimum requirements for fire protection and/or water supply as required by all applicable state agencies, municipalities, water associations, water districts, or other entities having jurisdiction over such water systems.
- G. Services in subdivisions receiving water supply from existing municipalities or utility districts shall be in accordance with that municipality or utility district specifications, and as may be required by all applicable state agencies or other entities having jurisdiction over such water system.
- H. Testing and Chlorination: Hydrostatic tests shall be performed on the new water system with a pressure of one hundred-fifty (150) pounds per square inch for twenty-four (24) hours. Before any part or all of the work is placed in service, the system shall be thoroughly flushed and sterilized with chlorine. The system shall be re-sterilized as may be necessary until two (2) consecutive chlorine-free samples are found by the Mississippi Department of Health (MDOH) to be free from the Coli-Aerogenes group of bacteria. Samples for the test shall be taken from remote parts of the system. All samples shall be done in accordance with MDOH procedures and guidelines.

Section 5- Sanitary Sewers (where applicable)

- A. Sanitary sewer facilities to be provided in all subdivisions shall conform to all requirements of the utility authority providing sanitary sewer collection and treatment and the Mississippi Department of Environmental Quality (MDEQ). Septic

tanks may be used only if written approval is obtained from the Mississippi Health Department.

- B. The sanitary sewer system shall be tested as may be required by all applicable state agencies, municipalities, sewer districts, or other entities having jurisdiction over such sewer system.
- C. If the proposed subdivision is near or adjacent to an existing municipal sewer system, the subdivider shall make every effort to connect the sewer system of the proposed subdivision with that of the municipality. If the proposed subdivision abuts any municipality or if the subdivision is to be connected to a municipal system, the sewer system within the subdivision shall conform to the specifications required by that municipality as if the subdivision were within the corporate limits of such municipality. In any event, the sewer system constructed within the subdivision shall meet the minimum requirements of these regulations.
- D. If the proposed subdivision is located within or abuts an existing sewer district association, the sewer system within the subdivision shall be connected to such sewer district association. It shall conform to the specifications of such sewer district association. However, the sewer system constructed within the subdivision shall meet the minimum requirements of these regulations.
- E. All sewer system improvements to be dedicated to a system's governing authority shall be located within a dedicated easement or road right-of-way as approved by the County Engineer.

Section 6 - Storm Drainage

- A. Retention or detention facilities shall be designed to accommodate all runoff caused by the development in accordance with the Marshall County Storm Water Detention/Retention and Erosion Control Resolution.
- B. Materials and construction shall conform to the Mississippi Standard Specifications for State Aid Road and Bridge Construction.
- C. Drainage structures shall be sized using the rational formula and calculated by a licensed engineer of the State of Mississippi.
- D. Reinforced concrete headwalls or flared end sections shall be provided on eighteen (18) inch pipe and larger. The minimum diameter for storm drainpipe shall be beyond the edge of the gravel shoulder or of sufficient length to provide a 3:1 fore

slope to the bottom of the ditch, whichever is greater. Storm drainpipes may be corrugated metal pipe (asphalt-coated or aluminized), high-density polyethylene (HDPE) pipe meeting, or reinforced concrete pipe, except as required below. A corrugated metal culvert shall be asphalt-coated with paved invert and have a minimum wall thickness of fourteen (14) gauge metal. All roadway fills greater than ten (10) feet shall require reinforced concrete culverts. All reinforced concrete culverts shall be a minimum of Class H reinforced concrete. All storm drainpipes shall conform to the most current edition of the Mississippi Standard Specifications for State Aid Road and Bridge Construction, Section 708.

- E. Adequate protection of invert slopes shall be provided to prevent erosion.

Section 7 - General Grading

- A. Grading and centerline gradients shall be in accordance with plans and profiles approved by the County Engineer.
- B. Areas to be graded by cutting or filling shall be rough graded to within two-tenths (0.2) of a foot of the accepted elevation after necessary allowance has been made for the thickness of topsoil, paved areas, and other installations.
- C. Final cross sections and profiles of streets and other installations shall conform to grades approved by the County Engineer. Elevations shall be based on mean sea level.
- D. All timber, logs, trees, brush, vegetable matter and other rubbish shall be removed or otherwise disposed of in accordance with the rules and regulations of the Mississippi Department of Environmental Quality (DEQ) so as to leave areas that have been disturbed with a neat and finished appearance.

Section 8 - Erosion and Sediment Control

- A. Before the start of clearing, grading, fill, or construction of any improvements within the subdivision, the subdivider shall file with the Planning Commission a Storm Water Pollution Prevention Plan or a Department of Environmental Quality Storm Water Construction General Permit, if applicable. Practical combinations of the following technical principles shall be used.
 - a. The smallest practical area of land shall be exposed at any one time during development.

- b. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
- c. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.
- d. Sediment basins (debris basins, de-silting basins or silt traps) shall be installed and maintained to remove sediment from runoff waters from land undergoing development
- e. Provisions shall be made to effectively accommodate the runoff caused by changed soil conditions during and after development.
- f. Permanent vegetation and structures shall be installed as soon as practical in the development. All erosion control required, such as seedling, sodding, mulching, excelsior blanket, paved ditch, and fertilizer, shall conform to the applicable sections and subsections of the current edition of the Mississippi Standard Specifications for Road and Bridge Construction, Sections 212, 214, 215, 226, 227, and 229. A substantial grass growth on the shoulders, foreslopes and backslopes shall be established before final acceptance of the subdivision improvements. The maximum slope allowed on all foreslopes and backslopes shall not be greater than 3:1 slope.
- g. The development plan shall be fitted to the topography and soils to create the least erosion potential.
- h. Whenever feasible, natural vegetation shall be retained and protected.

ARTICLE V- OTHER PROVISIONS

Section 1 -Fees

- A. At the time of applying for preliminary plat approval with the Marshall County Planning Commission, the subdivider shall pay the Marshall County General Fund a filing fee of one hundred (\$100.00) dollars plus five (\$5.00) dollars per lot. No action of the Planning Commission or the Board of Supervisors shall be valid until the fee has been paid to the Marshall County General Fund. This fee shall be charged on all plats, regardless of the actions taken, whether the plat is approved or disapproved.
- B. A three-hundred-and-fifty-dollar (\$350.00) fee for inspection of proof rolling the subgrade and base material, and inspection of paving shall be paid at the time of filing the preliminary plat. No preliminary plat shall be approved, nor shall any final plat be recorded, nor shall Marshall County finally accept any road until such time as this fee is paid.
- C. Before the time of installation of the initial surface course, the subdivider shall pay to Marshall County a fee of seventy-five dollars (\$75.00) for each road name sign, stop sign, or other regulatory, hazard, or warning sign to be installed within the subdivision by Marshall County. No final plat shall be recorded, nor shall any road be finally accepted by Marshall County until such time as this fee is paid.

Section 2- Variances

- A. Where the Planning Commission finds that extraordinary hardships may result from strict compliance with these regulations, it may, in consultation with the County Engineer, recommend variances to these regulations so that substantial justice may be done and the public interest secured, provided that such special variances will not have the effect of nullifying the intent and purpose of these regulations.
- B. In recommending variances, the Planning Commission may require such necessary conditions, in its judgment, to secure substantially the objectives of the standards or requirements so varied or modified.
- C. Any variance to the standards and requirements of these regulations shall be approved by the Marshall County Board of Supervisors, regardless of the stage or phase of subdivision development (i.e., sketch plan, preliminary plat, construction plan, or final plat).

Section 3 - Penalties

Any person, firm, entity, or corporation using an unapproved and unrecorded plat in the sale of subdivided land or violating any of the terms or provisions of these subdivision regulations shall be guilty of a misdemeanor and upon conviction, shall be punished by a fine of not more than one hundred dollars (\$100.00). Each violation and each day of failure to comply with the provisions of these regulations shall constitute a separate violation.

Section 4 – Amendments

The Board of Supervisors may, from time to time, adopt amendments that will tend to increase the effectiveness of these subdivision regulations. The subdivision regulations may be revised or amended by the Board of Supervisors after giving adequate public notice and public hearing as required by law.

Section 5 - Validity

If, for any reason, any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be held invalid by a court of competent jurisdiction, it shall not affect the remaining portions of this or any ordinance of the County, to which these rules and regulations relate.

Section 6- Repeal of Conflicting Ordinances

All ordinances or resolutions in conflict with this ordinance or inconsistent with the provisions of the ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.

Section 7 - Effective Date

This Ordinance shall take effect and be in force thirty (30) days following the date of adoption by the Marshall County Board of Supervisors.

**APPLICATION FOR SUBDIVISION APPROVAL
MARSHALL COUNTY PLANNING COMMISSION**

Name of subdivision: _____ Date of Application: _____
Existing Zoning: _____ Preliminary Application: _____ Final application: _____
Located on the _____ side of _____ (Road, Street, Highway, etc.) and _____
of _____ (Road, street, highway, etc.)
Section: _____ Township: _____ Range: _____ District: _____
List all existing structures on this property: _____

Gross Acreage: _____ Number of Lots: _____
Size of Lots: _____ Average Lot Frontage: _____
Public Sanitary Sewers: _____ Yes _____ No; Provided by: _____
Public Water Supply: _____ Yes _____ No; Provided by: _____

PROPERTY OWNER: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ Fax: _____ Email: _____

SUBDIVIDER: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ Fax: _____ Email: _____

ENGINEER/CONSULTANT: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ Fax: _____ Email: _____

[On Issuing Bank Letterhead]
[From Issue Date to Expiration Date Must Be At Least 48 Months]

Storm water

ISSUE DATE: _____

IRREVOCABLE STANDBY LETTER OF CREDIT NO. _____

APPLICANT:

(NAME)

(ADDRESS)

BENEFICIARY:

MARSHALL COUNTY BOARD OF SUPERVISORS

28 EAST VAN BORN AVENUE

P.O. BOX 219

HOLLY SPRINGS, MS 38635

RE:(Project name/other required reference information (the "Project"))

**EXPIRY DATE: _____/PLACE: _____/ISSUING BANK'S COUNTERS SPECIFIED
BELOW**

CREDIT AMOUNT:

**WE HEREBY ISSUE OUR STANDBY LETTER OF CREDIT IN FAVOR OF THE BENEFICIARY
WHICH IS AVAILABLE BY PRESENTATION OF BENEFICIARY'S WRITTEN DEMAND FOR
PAYMENT BEARING THE CLAUSE "DRAWN UNDER CREDIT NO. _____ OF (Issuing
Bank), DATED _____.**

"ACCOMPANIED BY THE FOLLOWING DOCUMENTS:

**BENEFICIARIES' SIGNED AND DATED CERTIFICATION THAT APPLICANT HAS FAILED TO
COMPLETE OR COMPLY WITH THE OBLIGATIONS AND CONDITIONS IMPOSED BY THE
BENEFICIARY FOR THE PROJECT, INCLUDING AMENDMENTS THERETO, OR WITH THE
OBLIGATIONS AND CONDITIONS SET FORTH IN THE MARSHALL COUNTY
STORMWATER ORDINANCE AND/OR MARSHALL COUNTY SUBDIVISION**

REGULATIONS, INCLUDING APPLICABLE AMENDMENTS THERETO. SAID CERTIFICATION MAY BE SIGNED BY ANY OFFICIAL OR EMPLOYEE OF BENEFICIARY.

IT IS A CONDITION OF THIS STANDBY LETTER OF CREDIT THAT IT WILL AUTOMATICALLY EXTEND WITHOUT AMENDMENT FOR A PERIOD OF ONE YEAR FROM THE CURRENT EXPIRATION DATE, OR ANY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR BY COURIER, AT LEAST NINETY (90) DAYS PRIOR TO THE THEN-CURRENT EXPIRY DATE OF THIS LETTER OF CREDIT THAT WE ELECT NOT TO EXTEND THIS LETTER OF CREDIT.

WE ENGAGE WITH DRAWERS THAT DRAFTS DRAWN UNDER AND IN COMPLIANCE WITH THE TERMS OF THIS CREDIT WILL BE DULY HONORED WITHIN THREE (3) BANKING DAYS AFTER PRESENTATION.

PRESENTATIONS MAY BE MADE BY MAIL, COURIER, IN-PERSON DELIVERY OR BY FACSIMILE. PRESENTATIONS BY FACSIMILE MUST BE SENT TO OUR FAX NUMBER 662-551-3302 (OR SUCH OTHER NUMBER AS MAYBE ADVISED IN WRITING IN THE FUTURE). IF A PRESENTATIONS MADE BY FACSIMILE, ISSUING BANKS' RECEIPT OF THE FAX MUST BE CONFIRMED BY TELEPHONE TO 662-252-4431 AND THE ORIGINAL DRAW DOCUMENTATION MUST SUBSEQUENTLY BE FORWARDED TO (Issuing Bank) BY IN PERSON DELIVERY OR BY COURIER SERVICE FOR DELIVERY WITHIN TWO (2) BUSINESS DAYS. THE DRAW SHALL BE CONSIDERED PRESENTED AT THE TIME OF THE RECEIPT OF THE FACSIMILE.

IN THE EVENT OF A DRAW UNDER THIS LETTER OF CREDIT, THE BENEFICIARY IS REQUIRED TO PRESENT THE ORIGINAL LETTER OF CREDIT, AND ANY AMENDMENTS WHICH MAY BE ISSUED IN THE FUTURE, WITH ANY/ALL OTHER DOCUMENTS REQUIRED BY THIS CREDIT.

UNLESS OTHERWISE SPECIFIED, THIS CREDIT IS SUBJECT TO THE LAWS OF THE STATE OF MISSISSIPPI AND TO THE INTERNATIONAL STANDBY PRACTICES, ISP98, INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION NO. 590. IN THE EVENT OF CONFLICT, THE LAWS OF THE STATE OF MISSISSIPPI SHALL PREVAIL.

THE VENUE OF ACTION ARISING OUT OF OR IN ANYWAY RELATED TO THIS LETTER OF CREDIT SHALL BE MARSHALL COUNTY, MISSISSIPPI.

PLEASE FORWARD ALL CORRESPONDENCE AND/OR DOCUMENTS TO:

(Issuing Bank name and address)

AUTHORIZED SIGNATURE

(Printed name and title are common)

[On Issuing Bank Letterhead]
[From Issue Date to Expiration Date Must Be At Least 48 Months]

ASPHALT ISSUE DATE: _____

IRREVOCABLE STANDBY LETTER OF CREDIT NO. _____

APPLICANT:
(NAME)
(ADDRESS)

BENEFICIARY:
MARSHALL COUNTY BOARD OF SUPERVISORS
128 EAST VAN DORN AVENUE
P.O. BOX 219
HOLLY SPRINGS, MS 38635

RE: (Project name/other required reference information (the "Project"))

EXPIRY DATE / PLACE: / ISSUING BANKS' COUNTERS SPECIFIED BELOW CREDIT AMOUNT:

WE HEREBY ISSUE OUR STANDBY LETTER OF CREDIT IN FAVOR OF THE BENEFICIARY WHICH IS AVAILABLE BY PRESENTATION OF BENEFICIARY'S WRITTEN DEMAND FOR PAYMENT BEARING THE CLAUSE "DRAWN UNDER CREDIT NO. _____ OF (Issuing Bank), DATED _____.

"ACCOMPANIED BY THE FOLLOWING DOCUMENTS:

BENEFICIARY'S SIGNED AND DATED CERTIFICATION THAT APPLICANT HAS FAILED TO COMPLETE OR COMPLY WITH THE OBLIGATIONS AND CONDITIONS IMPOSED BY THE BENEFICIARY FOR THE PROJECT, INCLUDING AMENDMENTS THERETO, OR WITH THE OBLIGATIONS AND CONDITIONS SET FORTH IN THE RESIDENTIAL DEVELOPMENT AGREEMENT FOR THE PROJECT DATED _____ BY AND BETWEEN BENEFICIARY AND APPLICANT, INCLUDING AMENDMENTS THERETO OR WITH THE PROVISIONS OF THE MARSHALL COUNTY ZONING ORDINANCE AND/OR MARSHALL COUNTY

SUBDIVISION REGULATIONS, INCLUDING APPLICABLE AMENDMENTS THERETO. SAID CERTIFICATION MAY BE SIGNED BY ANY OFFICIAL OR EMPLOYEE OF BENEFICIARY.

IT IS A CONDITION OF THIS STANDBY LETTER OF CREDIT THAT IT WILL AUTOMATICALLY EXTEND WITHOUT AMENDMENT FOR A PERIOD OF ONE YEAR FROM THE CURRENT EXPIRATION DATE, OR ANY FUTURE EXPIRATION DATE, UNLESS THE ISSUING BANK SENDS NOTICE TO THE BENEFICIARY BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR BY COURIER, AT LEAST NINETY (90) DAYS PRIOR TO THE THEN-CURRENT EXPIRY DATE OF THIS LETTER OF CREDIT THAT WE ELECT NOT TO EXTEND THIS LETTER OF CREDIT.

WE ENGAGE WITH DRAWERS THAT DRAFTS DRAWN UNDER AND IN COMPLIANCE WITH THE TERMS OF THIS CREDIT WILL BE DULY HONORED WITHIN THREE (3) BANKING DAYS AFTER PRESENTATION.

PRESENTATIONS MAY BE MADE BY MAIL, COURIER, IN-PERSON DELIVERY OR BY FACSIMILE. PRESENTATIONS BY FACSIMILE MUST BE SENT TO OUR FAX NUMBER 662-551-3302 (OR SUCH OTHER NUMBER AS MAYBE ADVISED IN WRITING IN THE FUTURE). IF A PRESENTATION IS MADE BY FACSIMILE, ISSUING BANKS' RECEIPT OF THE FAX MUST BE CONFIRMED BY TELEPHONE TO 662-252-4431, AND THE ORIGINAL DRAW DOCUMENTATION MUST SUBSEQUENTLY BE FORWARDED TO (Issuing Bank) BY IN-PERSON DELIVERY OR BY COURIER SERVICE FOR DELIVERY WITHIN TWO (2) BUSINESS DAYS. THE DRAW SHALL BE CONSIDERED PRESENTED AT THE TIME OF THE RECEIPT OF THE FACSIMILE.

IN THE EVENT OF A DRAW UNDER THIS LETTER OF CREDIT, THE BENEFICIARY IS REQUIRED TO PRESENT THE ORIGINAL LETTER OF BENEFICIARY'S CREDIT, AND ANY AMENDMENTS WHICH MAY BE ISSUED IN THE FUTURE, WITH ANY/ALL OTHER DOCUMENTS REQUIRED BY THIS CREDIT.

UNLESS OTHERWISE SPECIFIED, THIS CREDIT IS SUBJECT TO THE LAWS OF THE STATE OF MISSISSIPPI AND TO THE INTERNATIONAL STANDBY PRACTICES, ISP98, INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION NO. 590. IN THE EVENT OF A CONFLICT, THE LAWS OF THE STATE OF MISSISSIPPI SHALL PREVAIL.

THE VENUE OF ACTION ARISING OUT OF OR IN ANY WAY RELATED TO THIS LETTER OF CREDIT SHALL BE MARSHALL COUNTY, MISSISSIPPI.

PLEASE FORWARD ALL CORRESPONDENCE AND/OR DOCUMENTS TO:
(Issuing Bank name and address)

(Issuing Bank Name)

AUTHORIZED SIGNATURE
(Printed Name and Title are common)

**MARSHALL COUNTY, MISSISSIPPI
STORM WATER DETENTION/RETENTION AND EROSION CONTROL RESOLUTION**

SECTION 1. TITLE

- A. This Ordinance shall be known as the “Marshall County Storm Water Detention/Retention and Erosion Control Resolution” and may be cited as such.

SECTION 2. PURPOSE

- A. The purpose of this Resolution is to diminish threats to public health and safety caused by the runoff of excessive storm water; reduce economic losses to individuals and the community at large; and protect, conserve, and promote the orderly development of land and water resources. This Resolution shall be applicable to the following:
1. Land subdivisions and the development and/or redevelopment of land and improvements thereto.
 2. The construction of buildings and drainage of sites on which structures are located, including parking and other impervious areas.
 3. The design, construction, and maintenance of storm water drainage facilities and systems.

SECTION 3. APPLICABILITY AND STANDARDS

This Resolution shall be applicable to all subdivisions to be developed within Marshall County; to all other developments of three (3) acres or more; and to any development or construction site which, after development, will have 50% or more impervious surface.

1. No development shall be undertaken that increases the rate of surface runoff to downstream property owners or drainage systems.
2. Increased storm water runoff resulting from proposed development shall be detained through retention or detention facilities.
3. Retention or detention facilities shall be designed with sufficient capacity to accommodate all runoff generated by the development in excess of that which would occur from the site in its pre-development condition. Storage capacity shall be sufficient to store excess flows from a 25-year storm of 24-hour duration.
4. The storm water runoff from the proposed development shall not increase channel instability downstream.

5. If detention storage is provided within any 100-year floodplain area, no storage volume for the development shall be provided below the 100-year floodplain elevation.
6. Drainage systems must bypass natural flow from all upstream lands through the development with adequate capacity.
7. It shall be unlawful to dump trash, debris, landscape waste, or other materials into any drainage way within Marshall County.

SECTION 4. IMPROVEMENT REGULATIONS

- A. The following information, prepared and certified by a registered professional engineer licensed in Mississippi, shall be furnished with the plans of each proposed development.
 1. A topographic map with two-foot (2') minimum interval contours, meeting National Map Accuracy Standards, of the land to be developed and such adjoining land whose topography may affect the layout or drainage of the developed. On such a map, the following shall be shown:
 - a. The banks and centerlines of streams and channels;
 - b. The normal shorelines of lakes, ponds, and detention/retention basins, including inflow and outflow;
 - c. The locations, size, and slopes of storm water conduits and drainage swales;
 - d. Storm, sanitary, and combined sewers and outfalls of record;
 - e. Delineation of upstream and downstream drainage features and watersheds which might be affected by the development;
 - f. Base flood (100-year) elevation (BFE) and floodways for the property,
 - g. Environmental features including the limits of wetlands areas and any designated natural areas.
 2. A comprehensive drainage plan shall be designed to safely and completely handle the storm water runoff and to detain increased storm water runoff. This plan shall provide and be accompanied by maps and/or other descriptive material showing the following:
 - a. The extend and area of each watershed tributary to the drainage channels in the development;

- b. Storm sewers and drains including design basis, inlet and outlet locations and elevations, receiving channels, high water elevations, and performance during high-water conditions;
- c. Existing streams and floodplains and proposed channels, including locations, cross-sections, and profiles;
- d. Proposed culverts and bridges, including materials, elevations, waterway openings, and design basis;
- e. Existing and proposed detention/retention facilities and their designs;
- f. Estimated percent of existing and proposed impervious surfaces;
- g. Sewer slopes, types, and sizes;
- h. Environmental enhancement or mitigation features;
- i. Storage volumes and surface elevations for detention basins, including discharge rates;
- j. Design hydrographs for inflow and outflow for the 25-year peak flow comparing pre- and post-development conditions;
- k. Storage calculation formulas demonstrating reduction of post-development runoff to pre-development 25-year runoff rates;
- l. Rainfall calculations using U.S. Weather Bureau 25-year rainfall data;
- m. Landscaping plans for detention/retention facilities;
- n. Typical cross-sections of open channels including proposed grade changes, anticipated high water elevations, and relations to streets and utilities.

- B. Detention basins shall be constructed to temporarily detain the storm water runoff in excess of the volumes of runoff occurring on the site before development and will conform to the following standards:
1. Storage capacity shall be adequate to control runoff from the 25-year storm of any duration.
 2. Maximum design water depth shall not exceed 5 feet, unless natural ground conditions warrant otherwise.
 3. Basin approach slopes shall conform to natural grades where possible and remain under 10 percent slope. Erosion controls and public safety devices are required.

4. Outlet structures shall be automatic and limit discharges to established downstream capacities equal to or less than natural flows. Velocity dissipation must prevent erosion.
 5. Emergency overflow facilities shall be required unless inflow controls protect capacity limits.
 6. Natural vegetation shall be preserved whenever possible or replaced by planted landscaping and permanent ground cover.
 7. Basin security fencing (6 feet high) may be required at the discretion of the County Engineer or County Administrator.
- C. Retention basins designed with permanent pools shall conform to the standard for detention basins as specified, unless modified or amended as follows:
1. Minimum permanent pool depth of 3 feet prior to storm inflow.
 2. For emergency purposes, cleaning or shoreline maintenance, facilities shall be provided or plans prepared for the use of auxiliary equipment to permit emptying and drainage.
 3. Aeration equipment may be required, depending on the quality of the influence and detention time.
 4. Side slopes shall be 4:1 or flatter with a safety ledge 4–6 feet wide placed three feet below normal pool level.
 5. Adequate area for sediment storage shall be provided in all retention areas.
- D. All improvements, including landscaping, shall be maintained in perpetuity and cannot be developed for any other use which would limit or cause to limit the use of the improvements. The improvements shall be owned and/or maintained by the property Owner's Association of the development and each property owner shall own a proportionate share of the improvements and shall bear his proportionate responsibility for the continued maintenance in accordance with the above.

Each property owner shall, within the contents of his deed, be liable for the combined maintenance of the improvements. A special note to this effect shall appear on any final plat of subdivision or any plat of condominium and their declarations.

The Property Owner's Association shall be formed by the Developer in perpetuity for the maintenance of the improvements. Membership shall be mandatory by all property owners. Articles of agreement of the Property Owner's Association must be approved by the Board of Alderman of the City of Oxford before recording.

When problems arise due to inadequate maintenance, the County Engineer or County Administrator may inspect the improvements and compel the correction of the problem by written notice.

- E. The County Engineer shall inspect drainage facilities during construction. Marshall County may compel compliance where work deviates from approved plans. All private drainage facilities shall remain accessible for official inspection.

- F. The requirements for the on site retention/detention facilities may be waived by Marshall County if it is determined that the development project is too small, or if any engineering, aesthetic or economic factors make a combined or regional facility more practical for construction.

SECTION 5. EROSION AND SEDIMENT CONTROL

- A. No work shall begin on any development until a Storm Water Permit has been obtained from the Mississippi Department of Environmental Quality (MDEQ), if applicable for the size of the development. Installation of improvements within the development shall be done in such a manner as to provide for the most effective control of erosion and sediment. Each subdivision plat shall be accompanied by an erosion and sediment control plan and the Storm Water Permit which shall be submitted to the Marshall County Planning Commission before approval is granted for the preliminary plat. Practical combinations of the following technical principles shall be used:
 - 1. The smallest practical area of land shall be exposed at any one time during construction of the development.
 - 2. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.

3. Temporary vegetation and/or mulching shall be used to protect critical area exposed during development.
 4. Installation of sediment control structures maintained after every rainfall.
 5. Runoff accommodations during and after development.
 6. Permanent stabilization—seed, sod, mulch, erosion barriers, fertilizer—all conforming to Mississippi Standard Specifications Sections 212, 214, 215, 226, 227, and 229.
 7. The development plan shall be fitted to the topography and soil type to create the least erosion potential.
 8. Whenever feasible, natural vegetation shall be retained and protected.
- B. Once the erosion control measures are in place, the developer, or the developer's contractor, shall call the County Engineer, or his representative, for a field inspection to verify that the erosion control measures as proposed under the Storm Water Permit are in place. If the measures are determined to be in compliance, then, and only then, may the developer or the developer's contractor begin clearing and/or earthwork operations. After the project has begun, the County Engineer may require that all construction operations cease until the corrections are made. Compliance with this provision shall in no way relieve the developer, or the developer's contractor, from any requirement of the MDEQ Storm Water Permit or MDEQ rules, regulations and procedures pertaining to erosion control and sediment.

SECTION 6. MISCELLANEOUS

A. Penalties for Violation- Any person found to be in violation of any of the terms and provisions of this ordinance shall be guilty of a misdemeanor and subject to a fine not to exceed \$500, imprisonment for no more than 90 days, or both such fined and imprisonment. A continuance of a violation without reasonable effort on the part of the defendant to correct it shall be and constitute a new and separate offense each day.

B. Validity- If any term or provision of this Ordinance shall be held to be unconstitutional or otherwise unenforceable, the remainder thereof shall not be affected thereby and shall remain in full force and effect.

C. Conflict- All ordinances heretofore adopted on the subject of this Resolution which are in conflict herewith are hereby repealed.

D. Variations- Marshall County shall have the power to authorize variances from the provisions or requirements of this ordinance as will not be contrary to the public interest. No variance from the strict application of any provision shall be granted unless it is found that:

1. Literal interpretation of the provisions of this ordinance would deprive the owner of reasonable use of their land; and
2. Granting the variance would be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

MARSHALL COUNTY, MISSISSIPPI
ANIMAL CONTROL ORDINANCE
ADOPTED DECEMBER 15, 2008

RESOLUTION OF THE MARSHALL COUNTY BOARD OF SUPERVISORS TO AMEND THE
COUNTY ANIMAL CONTROL ORDINANCE

WHEREAS, Marshall County, Mississippi, by and through its Board of Supervisors, adopted and enacted an Animal Control Ordinance in 2008;

WHEREAS, the Animal Control Ordinance established the guidelines and regulations for the enforcement of animal control within Marshall County, Mississippi;

WHEREAS, the citizens of Marshall County have contacted various members of the Board of Supervisors, as well as appeared before the Board during public meetings, and expressed great concern about the running at large of dogs in Marshall County;

WHEREAS, the Marshall County Board of Supervisors has great concern about the public health, safety, and well-being of its citizens;

WHEREAS, the Marshall County Board of Supervisors has discussed the need to amend the Animal Control Ordinance in order to address the concerns of the citizens and hereby proposes the following amendments to the Animal Control Ordinance currently in effect:

SECTION 9

RESPONSIBILITY OF OWNERS OF ANIMALS GENERALLY

- A. J. All animals, including dogs, should be maintained on the property of the owner of the animal and shall not be allowed to run free or at large without the direct supervision of the owner, wherein the owner has or can maintain control of the animal.
- B. K. All dogs shall be required to wear a collar. It is advisable, although not mandated, that the owner's name and contact information be displayed thereon. Additionally, the collar should display proof of vaccination consistent with the public health laws of Mississippi.

SECTION 17

PENALTIES

- A. Any owner whose animal attacks, injures, or harms a domestic animal, pet, or

another person, as a result of the owner's violation or non-compliance with this ordinance, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or imprisonment in the county jail not to exceed ninety (90) days, or by both such fine and imprisonment. Each violation shall be deemed a separate offense.

B. Any person violating any provision of this ordinance for which no penalty is otherwise specifically provided shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00) for a first offense. For any second offense occurring within a three (3) year period of time, a fine in the amount of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00), and/or a period of incarceration not to exceed thirty (30) days, shall be imposed. For any third or subsequent offense occurring within a three (3) year period of time there shall be assessed a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) and/or a period of incarceration not to exceed one hundred eighty (180) days. No portion of any fines assessed may be suspended.

C. The civil and criminal provisions of this Ordinance shall be enforced by the Animal Control Division and the Marshall County Sheriff's Department.

WHEREAS, after much discussion and due consideration concerning the proposed amendments, a motion was made by Supervisor Taylor to adopt the above and foregoing amendments to the ordinance concerning Animal Control Regulations, subject to adequate public notice and a public hearing as required by law.

The motion was duly seconded by Supervisor Zinn.

A vote was called for and cast as follows:

Supervisor Terry – “Aye”

Supervisor Dixon – “Aye”

Supervisor Taylor – “Aye”

Supervisor Zinn – “Aye”

Supervisor Bennett – “Aye”

The motion carried unanimously.

THEREFORE, BE IT RESOLVED that the Marshall County Board of Supervisors shall provide public notice of the proposed amendments to the citizens of Marshall County and hold a public hearing as required by law to hear any objections or feedback concerning said amendments, and that the same shall be published in the county newspaper.

RESOLVED, this the 4th day of February, 2013.

RONNIE J. BENNETT, President

C.W. "CHUCK" THOMAS, Clerk

N.T. SMITH, Attorney for the Marshall County Board of Supervisors

ORDINANCE ESTABLISHING GUIDELINES AND REGULATIONS FOR THE ENFORCEMENT OF ANIMAL CONTROL WITHIN MARSHALL COUNTY, MISSISSIPPI

WHEREAS, present conditions exist which make it mandatory that the Board of Supervisors for Marshall County, Mississippi strictly regulate the keeping of animals, including dangerous, vicious, and nuisance animals; and

WHEREAS, the Board of Supervisors finds that the following regulations, prohibitions, and standards are in the best interest of the citizens of Marshall County, Mississippi; and WHEREAS, said regulations, prohibitions, and standards will contribute to the public safety, health, and welfare of said citizens; and

WHEREAS, all prior ordinances establishing guidelines and regulations for the enforcement of Animal Control within Marshall County, Mississippi are hereby repealed by approval of this Ordinance establishing guidelines and regulations for the enforcement of Animal Control;

THEREFORE, be it enacted by the Board of Supervisors of Marshall County, Mississippi, as follows:

SECTION 1. SHORT TITLE

This Ordinance shall be known as the Animal Control Ordinance.

SECTION 2. APPLICABILITY

This Ordinance shall apply to and be enforced within the unincorporated boundaries of Marshall County, Mississippi, and any incorporated cities, towns, or villages that do not have an Animal Control Ordinance.

SECTION 3. DEFINITIONS

- A. Abandon or Abandoned means leaving an animal for a period in excess of forty-eight (48) hours without the animal's owner or the owner's designated caretaker providing all provisions of necessity and checking on the animal's condition. An abandoned animal shall include a stray animal.
- B. Animal means any live, vertebrate creature, domestic or wild.
- C. Animal Control Department means the department authorized by the Board of Supervisors to maintain, review, and enforce this Ordinance, administer this Ordinance, and work with the Marshall County Sheriff's Department and Marshall

County Justice Courts on animal issues requiring law enforcement authority.

- D. Animal Control Officer means any person designated by the Board of Supervisors or Animal Control Department as a law enforcement or Animal Control Officer, technician, or employee assigned to the Animal Control Department and who is qualified to perform such duties under this ordinance and who shall be assigned to the Animal Control Department.
- E. Animal Shelter means any facility operated by a humane society, municipality, county agency, or its authorized agents for the purpose of impounding or caring for animals under the authority of this Ordinance or state law.
- F. Breeder means any individual, group, owner, or organization that engages in the breeding of animals with the intent to sell the offspring. Breeders of livestock are exempt from this Ordinance.
- G. County means the contiguous area of Marshall County, Mississippi, as defined by Mississippi law.
- H. Dangerous Animal means any animal that, because of its size or strength, is capable of causing injury to another animal or to people, especially children, the elderly, and the infirm, when excited or playful. A dangerous animal is one that does not show aggression or behave in a threatening manner.
- I. Domestic Animal means an animal which is customarily habituated to live in or about the habitations of people or otherwise habituated to be a tame animal.
- J. Exotic Animal means an animal that is not customarily habituated to live in or about the habitations of people or otherwise habituated to be tame, and is not considered livestock, but is being kept by an owner. By way of example, exotic animals include, but are not limited to: snakes, lizards, pot-bellied pigs, miniature horses, llamas, deer, and alpaca.
- K. Enclosure (i) enclosure means a fence or structure suitable to prevent the entry of young children and to confine an animal, in conjunction with other measures taken by the owner. An enclosure shall:
 - 1. Have secure sides and a secure top, or be of such height as to prohibit escape;

2. Have sides embedded in the ground at least two (2) feet, or a raised floor free of cracks or depressions where insects, rodents, or parasite eggs may lodge and breed;
3. Be of adequate size to allow the animal to stand up and move freely;
4. Be cleaned and maintained to ensure sanitary conditions and protect the animal from injury;
5. Provide sufficient outdoor space for the animal to relieve itself away from the enclosed sleeping/eating area;
6. Allow the animal to remain dry during rain or precipitation;
7. Allow convenient access to clean food and water.

(ii) Electronic Animal Fence Systems shall be considered an acceptable enclosure when:

1. The equipment is maintained, in continuous working order, and the animal wears the appropriate electronic collar while within the fenced perimeter;
2. The equipment includes a battery backup to maintain current in the event of power failure;
3. Permanent, prominently displayed signs are posted on each side of the property perimeter reading: "Animals on This Property Are Contained by an Electronic Animal Confinement System," each sign no smaller than twelve (12) inches square.

Notwithstanding the above, in cases where an animal has been deemed a vicious animal, or has been trained to be a guard animal, then an electronic animal confinement system may not be used as the primary enclosure. Further, owners who restrain their animals by means of an electronic animal confinement system, who are found to be in violation of the requirements for such system, may no longer use such system as the primary system as the primary system of enclosure.

- L. Feral Animal means any animal that has escaped from domestication and become wild, dangerous, or untamed.
- M. Livestock means horses, mules, sheep, goats, cattle, swine, and other domesticated animals, but excludes pets.
- N. Owner means any person, partnership, or corporation owning, keeping, or harboring one (1) or more animals. An animal shall be deemed "harbored" if it is fed or sheltered for a period of five (5) days or longer.

- O. Pet means any animal kept purely for personal pleasure rather than utility. Animalistic animal as defined in this Ordinance may be kept in or about the habitations of people or otherwise habituated to be a tame animal.
- P. Public Nuisance means any animal which:
1. Molests passersby or passing vehicles
 2. Attacks other animals
 3. Trespasses on school grounds, county parks, or private property
 4. Repeatedly runs at large
 5. Damages private or public property
 6. Barks, whines, or howls in an excessive, continuous, or untimely manner
 7. Defecates or frequently urinates on public property or on private property not owned by its owner; or
 8. Is allowed by its owner to become a nuisance to people or other animals.
- Q. Restraint or Restrained means securing an animal by tethering or other means so the animal is confined within the owner's real property limits, or, when off the owner's property, by keeping the animal secured by leash or lead of not more than six (6) feet.
- R. Running at Large describes any animal not under restraint and constituting a nuisance as described in Section 12. Notwithstanding the foregoing, no dog shall be considered running at large while:
1. It is working as a hunting, herding, or predator control dog on the property of, or under the control of, its owner
 2. Being bodily carried by a person capable of controlling and restraining the animal
 3. Under voice control and actively participating in organized group training or in an official show, obedience, or field event.
- S. Spay/Neuter means the surgical sterilization of an animal by a licensed veterinarian to prevent procreation.
- T. Tethering means the act of securing an animal by means of a leash, wire cable, or similar restraint attached to a swivel or pulley, so located as to keep the dog exclusively on the secured premises. Tethers shall be located so that they cannot become entangled with other objects. Collars used for tethering shall not be choke-

type. No tether shall employ a restraint, which is less than ten (10) feet in length.

Further, no tether shall be counted more than seven (7) feet above ground level, nor shall it weigh more than 1/8 of the dog's body weight.

U. Veterinary Hospital means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of animal diseases and injuries.

V. Vicious Animal means:

1. Any animal which has shown or demonstrated a propensity, tendency, or disposition to attack unprovoked, to cause injury, or otherwise endanger the safety of human beings, pets, or domestic animals.
2. Any animal which, while unprovoked:
 - a. Bites, inflicts injury, assaults, or otherwise attacks a human being, domestic animal, or pet on public or private property; or
 - b. Chases or approaches a person on streets, sidewalks, or public grounds in a menacing or terrorizing manner or apparent attitude of attack.
3. Any animal owned, bred, or harbored with the intent, in whole or part, to be entered into a fighting match with another animal, or trained/transported for such purpose.
4. Any animal which, according to Animal Control Department records, has inflicted severe injury on a human being without provocation.
5. Any animal which, according to Animal Control Department records, has killed or seriously injured a domestic animal, livestock, or pet without provocation while off the owner's property.

Exceptions:

Notwithstanding the above,

- i. No dog animal may be considered a vicious animal if injury or damage is sustained by a person who, at the time of such injury or damage was committing a willful trespass or other tort upon the premises occupied by the owner of the animal. Or, was teasing, tormenting, abusing, or assaulting the animal or was committing or attempting to commit a crime;
- ii. No animal may be considered a vicious animal if injury or damage was sustained by a domestic animal or pet which at the time of such injury or damages was teasing,

tormenting, abusing or assaulting the animal;

- iii. No animal may be considered a vicious animal if the injury or damage to a domestic animal or livestock was caused by the animal while it was working as a hunting animal, herding animal or predator control animal on property of, or under the control of its owner, and the damage or injury was to a species or type to the work of the animal.

SECTION 4. SHERIFF'S DEPARTMENT; ANIMAL CONTROL OFFICER TO ENFORCE ORDINANCE; INTERFERENCE PROHIBITED

- A. It shall be a violation of this Ordinance to interfere with an Animal Control Officer in the performance of his duties.
- B. It shall be a violation of this Ordinance for any person to remove, alter, damage, or otherwise tamper with a trap or equipment belonging to or set out by any employee of the Animal Control Department.
- C. The civil and criminal provisions of this Ordinance shall be enforced by the Animal Control Department and the County Sheriff. Any Animal Control Officer or sheriff's deputy having probable cause that a person has violated any Section of this Ordinance may, in lieu of obtaining a misdemeanor warrant for arrest of such suspect, issue to said person a written citation requiring the person to appear at a date and time in the Marshall County Justice Court to answer the charge or charges specified in the citation.

SECTION 5. EXPOSING TO POISONS

- A. No person, with the intent to harm any animal, shall expose any known poisonous substance, whether mixed with food or not, so that it may be eaten by any animal; provided that it shall not be unlawful to expose his own property common pest-control poisons in accordance with manufacturer's use instructions.
- B. Any person violating any provision of this Section shall be deemed guilty of a

misdemeanor and shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00) or imprisonment in the county jail not to exceed ninety (90) days, or both such fine and imprisonment, unless otherwise provided herein. Each day's violation shall be deemed a separate offense.

SECTION 6. KEEPING OF VICIOUS ANIMALS AND EXOTIC ANIMALS

- A. It is unlawful for any person to keep, possess, harbor, maintain or own a vicious animal or exotic animal, except as otherwise provided for herein. All vicious animals and exotic animals, while on the owner's property, shall be securely confined indoors or confined in a secure enclosure. Such enclosures shall be upon the premises of the owner or the person harboring the animal.
- B. No person owning or possessing a vicious or exotic animal shall suffer or permit such animal to go beyond the premises of such person unless the animal is securely restrained and under the direct control of a person who is at least eighteen (18) years of age and sufficiently able to restrain the animal. Further, the animal must be muzzled, provided that the animal is capable of being fitted with a muzzle, at all times. As used herein, muzzle is defined as any device designed to prevent the animal from biting a person or other animal. This regulation is intended to provide flexibility of design appropriate to the specific animal to be muzzled.
- C. No vicious animal or exotic animal may be kept on a porch or patio or within any part of a house or structure in such a manner that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or doors are the only obstacles preventing the animal from exiting the structure.
- D. All owners, keepers, or harborers of animals, which fall within the definition of a vicious animal, within the county, shall display in the prominent place on their premises of sign easily eatable by the public of the existence of such animal. For example, using words such as "Beware of Vicious Dog". In addition, a sign shall be posted on the enclosure.
- E. The owner of any vicious animal shall, at the owner's expense, have a licensed

veterinarian permanently insert a computer micro-chip in the animal for the purpose of identification of the animal and proof of such micro-chipping shall be provided to the Animal Control Department.

- F. The owner or harbinger of any vicious animal, as defined under this ordinance, shall be required to register such animal(s) with the Animal Control Department by taking the animal to the Animal Control Department for registration and satisfying the conditions set forth in this Section 6. The Animal Control Department shall take and maintain a digital photograph of the animal. The Animal Control Department shall take and maintain a digital photograph of the animal. The Animal Control Department shall maintain a file containing the registration numbers and name of the animal and the names and addresses of the owners. Registration of a vicious animal shall not be transferable and shall be renewable only by the holder of the registration or by a member of the immediate family of such registrant who is at least twenty-one (21) years of age. Should an owner of an animal sell or permanently give possession of a registered animal to another person, the new owner must register the animal in accordance with this section.
- G. This section shall not apply to dogs kept by law enforcement agencies; public zoos; full accredited educational or medical institutions; exhibitions to the public by traveling circus, carnival, exhibit or show; or if kept in a licensed veterinary hospital treatment.
- H. No vicious animal will be allowed to be kept within one hundred (100) yards of school, daycare facility or other facility designed primarily to provide services to children.
- I. The owner or keeper of a vicious animal shall notify the Animal Control Department within 24 hours if a vicious animal is loose, unconfined, has attacked another animal or human or is otherwise missing.
- J. The persons having the enforcement duty under this Ordinance may, upon having notice or knowledge of the harboring, keeping or maintaining of a vicious animal or exotic animal, enter the premises where said animal is kept for an on-site inspection of the premises and said inspection shall be made only after twenty-four (24) hours' notice to the occupant of the premises.

- K. If a vicious animal exhibits no additional instances of behavior described in this ordinance for identifying vicious animals within a thirty-six (36) month period from the date the animal was identified as vicious animal, said animal shall no longer be considered a vicious animal. Additionally, an animal identified by the Animal Control Officer as a vicious animal may be, but is not required to be, deemed to no longer be vicious if the owner demonstrates to the satisfaction of the Animal Control Officer that changes in circumstances or measures taken by such owner, such as training of the animal, have mitigated the animals risk to public safety.

SECTION 7. FIGHTING ANIMALS

It shall be unlawful to train for fighting, keep, harbor, breed, transport through the county limits, own, or in any way possess an animal for the purpose of fight exhibitions, displays, training or acts. For the purpose of this Section, fight training shall include but not limited to:

1. The use or possession of treadmills unless under the direction of a veterinarian;
2. Act designed to torment, badger or bait any dog for purpose of encouraging the animal to fight;
3. The use of weights on the animal unless under the direction of a veterinarian;
4. Any activity designed for the purpose of training or encouraging the animal for aggression or vicious activity;
5. Use of heavy chains, weights or staking in such a way as to build neck strength or jaw strength.

Scars and wounds on the animal are rebuttable evidence that the animal is a fighting animal or is trained for fighting.

SECTION 8. RESPONSIBILITY OF OWNERS OF ANIMALS GENERALLY

- A. All animals which are penned shall be kept in the proper enclosures as defined herein.
- B. No owner of any animal shall abandon such animal or fail to maintain such animal in a healthy condition or to provide timely, appropriate, and necessary veterinary treatment, if ill.

C. No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, proper sanitary conditions at all times, and generally provide humane care and treatment.

D. No owner shall mistreat, beat, torment, or cruelly tease an animal.

E. No animal shall be transported without restraint in an open-air vehicle, nor shall any animal be transported in the trunk of a vehicle or left unattended in a vehicle in extreme heat without proper ventilation.

F. No animal shall be tethered in a public place and left unattended.

G. All dangerous animals must be confined or under the control and supervision of the owner at all times to prevent accidental injury to other persons or animals.

H. It shall be a misdemeanor to command or signal an animal to attack a person or another animal. This provision shall not apply to animals kept by law enforcement agencies and directed to attack by law enforcement officers.

I. If probable cause exists that any animal(s) are kept under such conditions as to constitute a violation of this Section 8, subsections A through F, a petition for abatement shall be filed by the Animal Control Officer or Deputy Sheriff in the Marshall County Justice Court, specifically noting the offending conditions. A copy of which shall be served on the owner or harbinger of said animals, with a note to appear in said court at a specific time and place to show cause, if any, why an order of abatement should not be entered against him. If evidence established that the offending conditions, or any combination of them are present, the court shall order, in addition to penalties provided for by Section 16, that the same be abated within fifteen (15) days and assess court costs against the party responsible for said conditions. In lieu of a petition for abatement, the Animal Control Department may issue a written warning of offending nuisance conditions.

SECTION 9. VACCINATION OF CERTAIN ANIMALS AGAINST RABIES

A. Any owner of a dog or cat three (3) months of age or older, or any other animal which by law requires vaccination, within the County shall have it vaccinated against rabies with an approved dosage of an approved anti-rabies virus (vaccine) which shall be properly administered by one legally authorized to do so. It shall be unlawful for any

person to own or have in possession any dog or cat not so vaccinated. Every dog or cat must be vaccinated in accordance with the Compendium of Animal Rabies Vaccines prepared by the National Association of State Public Health Veterinarians, Inc.

- B. The owner of any dog or cat shall upon request of an Animal Control Officer, provide proof that the animal has been properly inoculated with a rabies vaccine.

SECTION 10. PET STORES, BOARDING KENNELS, GROOMING ESTABLISHMENTS, AND FOR-PROFIT BREEDERS

The Zoning Administrator shall issue a license to pet stores, boarding kennels, grooming establishments and for-profit pet breeders upon submission of a completed application, payment of a fee of \$10.00 and inspection of the premises by the Animal Control Supervisor to ensure all conditions set forth below in this section are being met. The license shall expire one year from the date of issuance, unless earlier revoked for cause. Such license shall not be transferable.

Upon application for issuance or renewal of a license, an inspection shall be made of the premises to determine compliance with the following provisions:

1. Any building on the premises shall be in good repair, structurally sound, shall not leak and shall be easy to clean and sanitize. Drains must rapidly eliminate excess water on the floor. There must be adequate heat, cooling, ventilation and lighting.
2. Cages must allow the animals enough room to stand easily, turn about freely and sit and lie in a normal position. Cages must be kept clean and in a good state of repair.
3. All animals must be maintained in a healthy condition or, if ill, shall be given appropriate veterinary treatment.
4. Animal and food waste and bedding must be removed as often as necessary to prevent an odor nuisance.
5. Food supplies shall be stored in rodent-proof containers. Food and water containers must be kept clean and sanitary.
6. Premises and animals shall be kept reasonably free of insect infestation.
7. No nuisance caused by odor or noise shall be permitted.

Periodic unannounced inspections by the Animal Control Division shall be conducted.

Any pet store, boarding kennel, grooming establishment or for-profit breeder that is currently lawfully operating within the county at the time this chapter is enacted shall be given a license for the first year without having to meet the conditions set forth in this section. However, before any license is renewed after the first year, the owner of such establishment must first meet the conditions set forth above. If the owner of any establishment that is currently operating changes its location or ownership in the first year, the owner must apply for a new license and comply with the requirements established in this section. Each violation will be deemed a separate offense. The Zoning Administrator may revoke a license for serious or repeated noncompliance may be made in writing to the County Board of Supervisors within five (5) business days, and the revocation shall be stayed pending action by the board.

SECTION 11. PERMITTING TO RUN AT LARGE

- A. It shall be unlawful for the owner of any dog to permit it to run at large within the County unless it is under the supervision and/or control of the owner.
- B. Animals found to be running at large shall be impounded at an animal shelter per Section 14.

SECTION 12. NUISANCES

- A. Whenever the Animal Control Department receives complaints from persons having separate residences in the same neighborhood, or employed in the same neighborhood, that an animal is a habitual nuisance, as defined by trespassing, howling, barking, other noise, or by damaging property, by vicious action or propensity, or by any other means or activity causing undue annoyance, the Animal Control Officer may investigate to determine if a nuisance exists.
- B. If probable cause exists that any animal (s) is a nuisance, an affidavit or citation for abatement shall be filed by the Animal Control Officer in the Marshall County Justice Court, specifically noting the offending conditions. A copy of which shall be served on the owners or harbinger of said animals, with notice to appear in said court at a specific time and place to show cause, if any, why he/she should not be found guilty of violating this ordinance. If evidence establishes that the offending conditions, or any combination of them are present, the court shall order, in addition to the penalties provided by Section 17, that the same abated within fifteen (15) days and

assess court costs against the party responsible for the animal causing said conditions. In lieu of a petition for abatement, the Animal Control Department may issue a written warning of offending nuisance conditions.

- C. It shall not be necessary, for the purposes of establishing a nuisance, to identify and describe with particularity, an animal which is barking, howling, yelping or making other excessive and loud noises, provided only that it shall be shown who has possession, custody or control of the animal or the premises where the animal is located.

SECTION 13. ELIMINATION OF ANIMALS

- A. The Animal Control Officer shall have authority to seize, impound, and destroy any animal determined to be a feral animal or vicious animal, as defined in Section 3 of this ordinance. The destruction of said animal shall be conducted in an expeditious and humane manner and in accordance with the provisions set forth herein.

Additionally, the Animal Control Officer shall have authority to seize, impound, and destroy any animal determined to be within one of the six categories identified below:

1. The animal aggressively attacked and caused severe injury or death of any human, domestic animal, or pet without provocation. For the purposes of this section, a severe injury means any physical injury that results in broken bones, severe or disfiguring lacerations requiring sutures, cosmetic surgery, professional medical attention, or death. Under such circumstances, the Animal Control Officer shall immediately confiscate said animal and place the same quarantine period of ten (10) days and thereafter destroy said animal as provided in this section. However, the Animal Control Officer shall be authorized to use deadly force upon said animal and reasonably fears for his or her safety or the safety of others who are in near proximity to said animal.
2. If the Animal Control Officer or any Deputy Sheriff determines that an animal is seriously injured or diseased that medical care is not practical or reasonably likely to

save the animal, then under such circumstances it shall be the duty of the Sheriff's Department or Animal Control or duly authorized Animal Control Officer to humanely euthanize said animal with an injection, or to discharge a firearm, so as to mercifully end the life of the animal suffering from an incurable injury or disease. However, it shall first be determined that the destruction of the animal is sole and only effective means of controlling a public nuisance or health hazard or is appropriate to end the suffering of the animal. Reasonable efforts shall be conducted by the Sheriff's Department or Animal Control Officer to first locate the owner of any such injured or sick animal. Such efforts to locate an owner of the animal shall not be required if the animal causes the officer fear for his or her safety or the safety of others in near proximity or so as to prevent a public hazard, or it would be inhumane to continue to allow the animal to suffer. Further, an injured or neglected animal may be humanely euthanized without any waiting period when appropriate pursuant to Section 97-041-3, Mississippi Code Annotated (1972).

3. Any vicious animal which is impounded and whose owner fails to satisfy the conditions for maintaining a vicious animal, as set forth in Section 6, within thirty (30) days of the vicious animal being impounded.
 4. Any animal which is not a vicious animal, which is impounded pursuant to his ordinance, and the owner fails to claim the animal and meet all requirements imposed by this ordinance upon the owner for the return of the animal, within fourteen (14) days of the animal being impounded.
 5. Any animal which is found to be a fighting animal as described in Section 7.
 6. Any animal, which is impounded as a result of a violation of this ordinance and the owner after being ordered by a court to pay fines for the offending violations, fails to make payment of assessed fines within ten (10) working days, unless otherwise ordered by the court.
- B. Except those instances when the Animal Control Officer must destroy a feral animal or vicious animal, said officer shall take the animal into his custody for confinement in the appropriate county shelter. Upon the Animal Control Officer's determination that it shall be necessary to destroy the animal, or place the animal for adoption, the

Animal Control Officer shall take the following steps to locate and/or notify the owner of the animal

1. If the owner is not known or not to be found, the Animal Control Officer shall take reasonable efforts to locate the owner. If, despite reasonable efforts, an owner cannot be identified and contacted within fourteen (14) days to claim ownership of said animal, the Animal Control Officer shall destroy the animal or place the animal for adoption.
 2. If the owner is identified and known, the Animal Control Officer shall advise the owner by written correspondence, sent certified mail via US Postal Service to the last known address and advising the owner of the Animal Control Officers current detention of the animal and determination that said animal is a feral animal, vicious animal or abandoned animal and is to be destroyed or placed for adoption, as appropriate. The Animal Control Officer shall then proceed in accordance with paragraph C below.
- C. The Animal Control Officer shall set a determination hearing to be held before Justice Court Judge to determine if the animal should be destroyed or, as appropriate, placed adoption. The Animal Control Officer shall advise the owner, by written correspondence sent certified mail via U. S. Postal Service, that he is seeking the authority of the Justice Court to destroy the animal, or to place the animal for adoption, and that said matter shall be heard by the Court on a date certain. Said notice shall be mailed to the owner not less than fourteen (14) days prior to the determination hearing date and provide the date, time, location and purpose of hearing.
1. The Animal Control Officer shall present to the presiding Justice Court Judge the desire to destroy the animal or place the animal for adoption. The owner of said animal shall have the right to appear before the Court and object to the destruction or placing for adoption of his/her animal and show cause why the same should not be done.
- D. Upon the hearing of the facts as presented by the Animal Control Officer and he owner of the animal at issue, the presiding Justice Court Judge shall determine whether the animal is a feral animal, vicious animal, or abandoned animal as defined

in this ordinance and whether the animal shall be destroyed or placed for adoption.

1. In the event the presiding Justice Court Judge determines that the animal should not be destroyed or placed for adoption, the animal Control Officer shall release the animal to the owner as soon as it has been confirmed that the animal is not rabid.
2. In the event the presiding Justice Court Judge determines that the animal should not be destroyed or placed for adoption, the Animal Control Officer shall release the animal to the owner as soon as it has been confirmed that the animal is not rabid.
3. In the event that the presiding Justice Court Judge determines that the animal shall be destroyed or placed for adoption, the Animal Control Officer shall retain control of the animal for a period of ten (10) day period, the owner of said animal shall have the option of appealing the Court's decision to the Circuit Court of Marshall County

- i. The owner of an animal shall have the option to appeal the decision of the Justice Court Judge to destroy the animal, or place the animal for adoption, in the same procedural manner that any decision can be appealed to the Circuit Court as provided by the laws of the State of Mississippi provided, however, this appeal shall be perfected within ten (10) days following the Justice Court's decision. If the appeal of the owner is not perfected within this ten (10) day period, the Animal Control Officer shall be authorized to immediately and humanely destroy the animal or place the animal for adoption.

- ii. In the event that the owner does properly appeal the decision of the Justice Court to the Circuit Court of Marshall County, the Animal Control Officer shall continue to retain control of the animal at the appropriate county animal shelter until otherwise ordered by the Circuit Court of Marshall County.

E. At any time during the process for the destruction of an animal, or placing of the animal for adoption, as set forth herein under Section 16, the owner of said animal may sign a waiver agreeing to the immediate euthanization of said animal, or placing of the animal for adoption and waiving any right to contest or appeal said euthanization.

- F. At any time during the process for the destruction of an animal, or placing of the animal for adoption, as set forth herein under Section 16, the owner may request said animal to be housed with a veterinarian instead of with the County Animal Shelter by signing a written request and with the agreement that the owner pay all expenses incurred with the veterinarian.
 - G. Any person identified to be the owner of an animal, which has been impounded by the Animal Control Officer shall be responsible for the following fees for as long as the animal is impounded, including all periods of court hearings and appeals:
 - 1. Initial impoundment at the Marshall County facility \$50.00; plus, for each day of impoundment \$10.00
 - 2. If the animal is determined to be injured or diseased, other than diseased with rabies, then said owner shall have the option to request proper veterinarian treatment and shall be responsible for all bills incurred for said treatment
 - 3. The costs incurred by the Animal Control Officer for the euthanization of said animal
 - 4. All costs incurred by the county with any veterinarian for treatment or services provided to said animal
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SECTION 14. IMPOUNDMENT OF ANIMALS

An animal may be impounded if it is determined by the Animal Control Officer to be wild or stray animal by determining that any of the following are met, to wit:

- 1. The animal is running at a large or not properly confined as described pursuant to his ordinance;
 - 2. The animal is one which requires, but does not have, a cat or dog there is no vaccination tag around the animal's neck and the owner is not able to present sufficient proof that it has been properly and currently vaccinated;
 - 3. Attempts to peacefully capture the animal have been made and proven unsuccessful.
- A. Any unrestrained animal constituting a public nuisance shall be taken into custody by the Sherriff, his duly licensed deputies, or Animal Control Officer and impounded. Such animal shall be kept for at least ten (10) days unless sooner claimed by the

owner.

- B. Any vicious animal shall be immediately seized by the Animal Control Department if:
 - a. The owner does not secure the liability insurance coverage required herein;
 - b. The owner does not maintain the animal in proper enclosure;
 - c. The owner willfully or negligently permits the animal outside the dwelling of the owner or outside the proper enclosure and does not have the animal under personal physical restraint of the owner; or
 - d. The Animal Control Officer has the authority to seize the animal pursuant to the terms set forth in Section 13 (Elimination of Animals) of this ordinance.
- C. Notice to owner; redemption. If by a tag or other means, the owner of an impounded animal can be readily identified, the Animal Control Officer shall, upon impoundment, notify the owner by telephone or mail. The rightful owner, of any animal held under this section may (provide the animal is properly vaccinated, licensed and tagged) obtain the animal upon the payment of a pound fee as hereinafter provided, and the owner demonstration of compliance with all other conditions of this ordinance. In the event an unvaccinated animal is claimed by the owner, the owner must make arrangements for the vaccination of said animal satisfactory to the Animal Control Officer before the animal can be claimed. An owner reclaiming an impounded animal shall pay the following fees for each animal impounded:
 - a. Reclaim Fee:
 - i. First Impoundment of Animal: \$25.00
 - ii. Second Impoundment of Animal: \$50.00
 - iii. Third and Subsequent Impoundment of Animal: \$75.00
 - b. Care Fee:
 - i. For each day of impoundment (per animal): \$10.00
- D. When any animal is impounded for any reason provided for in this ordinance, and the animal is not reclaimed by the owner within fourteen (14) days after written notice of impoundment is provided to the owner, the Animal Control Officer shall proceed in accordance with Section 13. Notwithstanding the foregoing, the procedures required

by Section 13, including the then-day euthanization waiting period, are waived for a vicious or feral animal, or any animal suffering from an infectious disease.

- E. The owner of an impounded animal may also be held responsible for any violation(s) of any other section of this ordinance and subject to the appropriate penalties set forth therein.

SECTION 15. IMPOUNDMENT OF ANIMAL ATTACKING OR INJURING PERSONS; DESTRUCTION OF RABID ANIMALS

- A. In any case of an attack by an animal resulting in injury to a person, such animal, unless otherwise provided herein, shall be impounded or caused to be confined at the appropriate County Animal Shelter by the Animal Control Division for observation for a period of ten (10) days to determine if the animal is rabid.
- B. The owner thereof may, upon notification to the Animal Control Division, have such animal impounded for ten (10) days with a private veterinarian licensed to practice veterinary medicine within the state at the owner's expense.
- C. If at the end of above periods of time, or any time period thereto, it is determined that said animal has rabies, such animal shall be immediately destroyed without the necessity of notice to the owner.

SECTION 16. ADOPTION

When any animal is placed for adoption, the person adopting the animal shall pay a fee according to a schedule of fees as adjusted from time to time by the Animal Control Department and approved by the Marshall County Board of Supervisors. Further, the adoptive owner must make arrangements for the vaccination of said animal satisfactory to the Director of the Animal Control Department.

No animal may be adopted from any Animal Shelter that has not been spayed/neutered. Upon the discretion of the Animal Control Department, the person adopting the animal may make arrangements for the animal to be spayed/neutered by a licensed veterinarian of their choice; however, proof of the procedure must be presented in writing to the Animal Control

Department within seven (7) days. Failure to spay/neuter the animal and provided proof to the Animal Control Department constitutes a violation of Section 16 and the animal will be reclaimed and returned to the Animal Shelter from which it was adopted.

SECTION 17. PENALTIES

- A. Any owner whose animal attacks, injures or harms a domestic animal, pet, or another person, as a result of the owner's violation or non-compliance of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or imprisonment in the county jail not to exceed ninety (90) days, or by both such fine and imprisonment. Each violation shall be deemed a separate offense.
- B. Any person violating any provision of this Ordinance, for which no specific penalty is otherwise specifically provided for, shall be deemed guilty of a misdemeanor and punished by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) for a first offense. For any second offense occurring within a three (3) year period of time, a fine in the amount of not less than two hundred-fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00), and/or a period of incarceration not to exceed thirty (30) days shall be imposed. For any third or subsequent offense occurring within a three (3) year period of time there shall be assessed a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) and/or a period of incarceration not to exceed one hundred and eighty (180) days. No portion of any fines assessed may be suspended.
- C. The Animal Control Division and the County Sherriff Department shall enforce the civil and criminal provisions of this Ordinance.

SECTION 18. WEAPONS

Animal Control Officers may carry such weapons as reasonably necessary to fulfill the obligations required of him/her, as set forth herein and achieve the intentions of this Ordinance provided, however, the Animal Control Officer is at all times, properly licensed, permitted and qualified to use any weapon carried, in accordance with applicable local,

state, and federal laws, statutes and ordinances.

SECTION 19. SEVERABILITY

If any provision of this Ordinance is ruled illegal, unconstitutional, or otherwise unenforceable by a Court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

SECTION 20. CONFLICT

Any other ordinances of Marshall County, Mississippi, which are conflicting or inconsistent with this ordinance, are hereby repealed to the extent of any inconsistencies or conflicts.

SECTION 21. ORDINANCE CUMULATIVE

This Ordinance shall be cumulative and in addition to any other laws in force.

SECTION 22. REPEALER

All prior ordinances and amendments prior hereto establishing guidelines and regulations for the enforcement of Animal Control within Marshall County, Mississippi are repealed by enactment of this Ordinance.

SECTION 23. EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after due publication as provided by law and passage by the Marshall County Board of Supervisors.

SO ORDAINED and adopted by the Board of Supervisors of Marshall County, Mississippi, this ___ day of _____, 2008.

RONNIE JOE BENNETT, President

MARSHALL COUNTY BOARD OF SUPERVISORS

ATTEST:

Clerk, Marshall County Board of Supervisors

**RESOLUTION OF THE MARSHALL COUNTY BOARD OF SUPERVISORS TO
ADOPT A COUNTY FIREARM ORDINANCE**

WHEREAS, citizens of Marshall County have expressed concerns regarding the discharge of firearms in platted subdivisions; and,

WHEREAS, Section 45-9-57 of the Mississippi Code of 1972, as amended, specifically authorizes the Board of Supervisors to regulate the discharge of any firearm or weapon, other than a BB gun, in a platted subdivision; and,

WHEREAS, the Board is concerned for the public health and safety of citizens living in platted subdivisions; and,

WHEREAS, accordingly, the Board proposed that the following Resolution and Ordinance be adopted for the benefit of the citizens of Marshall County:

Article I

Section 1. Title

This Ordinance shall be known as the Marshall County Firearm Ordinance.

Section 2. Purpose

These regulations have as their purpose, and are designed to:

- A. Ensure the public health and safety of the citizens of Marshall County by making unlawful the discharge of firearms in platted subdivisions with lots containing less than five (5) acres in size.
 - B. Fix penalties for the violation of these regulations.
-

Section 3. Scope

- A. It shall be unlawful for any person to discharge a firearm in a platted subdivision on a lot containing less than five (5) acres, or in a manner that could reasonably be expected to cause a projectile to cross the boundary line of the lot without the adjoining landowner's permission, except as permitted herein.
- B. It shall be unlawful to discharge a firearm within three hundred (300) feet of a residence or other occupied building located on another property.

Section 4. Exceptions

- A. Any officer of the law or member of the National Guard may discharge a firearm in the performance of his duty.
- B. A person is not prohibited from discharging a firearm when lawfully defending his person or property.
- C. The discharge of BB guns or air guns is not prohibited.

Section 5. Definitions

- A. **Firearm** is defined as any weapon, other than a BB gun or air rifle, which fires a projectile from a rimfire or centerfire cartridge. This includes, but is not limited to, rifles, pistols or handguns, shotguns, and muzzleloaders.

Section 6. Penalties

- A. Violations of the provisions of this Ordinance may be punishable by a fine of up to five hundred dollars (\$500.00) and/or incarceration for a period of up to thirty (30) days, or both.

Section 7. Effective Date

- A. This Ordinance shall take effect and be in force thirty (30) days following the date of its adoption by the Marshall County Board of Supervisors.
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WHEREAS, after much discussion and due consideration concerning the proposed Firearm Ordinance, a motion was made by Supervisor Taylor to adopt the above and foregoing Resolution for an Ordinance concerning the discharge of firearms, subject to adequate public notice and a public hearing as required by law.

The motion was duly seconded by Supervisor Dixon.

A vote was called for and cast as follows:

Supervisor Terry – “Aye”
Supervisor Dixon – “Aye”
Supervisor Taylor – “Aye”
Supervisor Zinn – “Aye”
Supervisor Bennett – “Aye”

The motion carried unanimously.

THEREFORE, BE IT RESOLVED that the Marshall County Board of Supervisors shall publish and provide public notice of the proposed Firearm Ordinance to the citizens of Marshall County and hold a public hearing as required by law to hear any objections or feedback concerning said Ordinance, and that the same shall be published in the county newspaper.

RESOLVED, this the 4th day of February, 2013.

MARSHALL COUNTY BOARD OF SUPERVISORS
RONNIE JOE BENNETT, President
C.W. “CHUCK” THOMAS, Clerk

**MARSHALL COUNTY, MISSISSIPPI
LITTER ORDINANCE**

Adopted August 2, 2004

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MARSHALL COUNTY, MISSISSIPPI, THAT THERE BE AN ORDINANCE ESTABLISHING A COMPREHENSIVE PROGRAM WITHIN MARSHALL COUNTY, MISSISSIPPI TO CONTROL LITTER, REFUSE, WEEDS, AND DERELICT PROPERTY; ESTABLISHING PENALTIES FOR VIOLATION OF SAID ORDINANCE AND ESTABLISHING AN EFFECTIVE DATE.

SECTION I. SHORT TITLE

This Ordinance shall be known as the Marshall County Litter Ordinance.

SECTION II. LEGISLATIVE INTENT

It is the express intent of the Board of Supervisors and of this Ordinance to promote a clean, healthy, safe, and attractive environment in which to live.

WHEREAS the Board of Supervisors of Marshall County has become aware of increased littering of public and private property in Marshall County, Mississippi, and;

WHEREAS said littering of the public and private property degrades the environment and community, and causes health and safety hazards, and;

WHEREAS the costs incurred by Marshall County to clean up said litter creates an undue burden upon the taxpayers of Marshall County, and;

WHEREAS pursuant to §§ 19-5-17, 17-17-5, and 19-5-173, Mississippi Code Annotated as amended, the Board of Supervisors of Marshall County has the authority to enact such ordinances as necessary and in the best interest of the public to establish and maintain a system of disposal of refuse, garbage, and derelict property.

SECTION III. APPLICABILITY

This Ordinance shall apply within the unincorporated boundaries of Marshall County, Mississippi.

SECTION IV. DEFINITIONS

The following words, phrases or terms, as used in this ordinance, unless context indicates otherwise, shall have the following meanings:

A. Authorized Receptacle

A litter storage or collection container required or authorized by this Ordinance.

B. Compostable Trash

Lawn grass, tree trimmings, shrubbery or dry leaf rakings that is free from dirt, rocks, non-compostable trash, and bulky waste.

C. Container

The container, which shall be provided by the owner or occupant responsible, shall be receptacle with the appropriate capacities as required by the county or its agent retained for the purpose of collecting and disposing of garbage. Said container shall be constructed of plastic, metal, or fiberglass and be designed and be designed and constructed in a manner appropriate for the depositing, holding and collecting of garbage. Said container shall meet specifications, terms and conditions of the county and its agent retained to collect and dispose of its contents. The specifications, terms and conditions are subject to change upon proper notice.

D. Cover

Any device, equipment, container, close fitting tarpaulin, chain, rope, wire or line used on vehicles to prevent any part of a vehicle load to shift, blow, leak, fall or escape in any manner from the vehicle.

E. Derelict Property

Any items such as wrecked or junked property, which have been left abandoned or unprotected from the elements, including but not limited to, wrecked, or partially dismantled motor vehicles, trailers, boats, machinery, refrigerators, washing machines, plumbing fixtures, and other articles. Wrecked or partially dismantled motor vehicles shall include any vehicle which does not have lawfully affixed thereto both a license plate and a current motor vehicle safety inspection certificate and the condition of which is wrecked, dismantled, partially dismantled, inoperable, abandoned or discarded and is not capable of being legally driven upon the public streets within Marshall County.

F. Garbage

Litter and refuse collectively as defined in this ordinance.

G. Handbill

Any paper or papers, posters, circular, coupon, or pamphlet regardless of size to be circulated for the purpose of making some public or private announcement except newspapers circulated to bona fide subscribers.

H. Litter

All trash, including that which is unsightly and/or excessive in accumulation, including but not limited to paper, bottles, cans, glass, crockery, plastic, rubber, waste building materials, and disposable package and container, white goods, water heaters, small automobile parts, tires, furniture, non-compostable ash, or any other matter which tends to create a hazard to public health, safety and welfare.

I. **Person**

Any person, owner or lessee, firm, business, partnership, sole proprietorship, association, corporation, company or organization of any kind.

J. **Private Property**

Any dwelling, house, building or other structure designed or used for private, commercial, or residential purposes and shall include any yard, grounds, acreage, vacant lots, walk, driveway, porch, steps, parking areas, vestibule, or mailbox belonging to such dwelling, house, building or other structure.

K. **Public Property**

Any and all streets, public rights of way, easements, medians, sidewalks, boulevards, highways, streets, alleys, or other public parks, squares, spaces, grounds and buildings.

L. **Refuse**

All solid waste including rubbish, ashes, construction debris, street cleanings, animal, vegetables and/or other matter that results from the preparation, processing, consumption, dealing in, handling, or decomposition of meats, fish, birds, fruits, grains, or other animal or vegetable matter, including, but by no way limited to, used tin cans and other food containers, all putrescible or easily decomposable waste, animals and vegetable matter which is likely to attract flies, insects or animals.

M. **Weeds**

Any undesirable, uncultivated plant that grows in profusion so as to crowd out or disfigure a lawn, or any plant that is useless, harmful or troublesome, or any plant that may conceal pools of water, garbage, derelict property and compostable trash or any other substances that may be detrimental to health or safety and which is found to be growing on any parcel of land which has at some time been cleared or altered in any way from its original natural state being within 15 feet of a developed platted, subdivision or developed zoned residential area.

SECTION V. CONTROL OF LITTER

A. Littering Prohibited

It is unlawful for any person to throw, discard, or deposit garbage, compostable trash or derelict property in any manner or amount in or upon any public or private property, highway, street, right-of-way, body of water or park in the county, except in public receptacles, in authorized private receptacles, or in accordance with regulations and requirements set forth by county and its agent for collection.

Loads on Vehicles:

1. No person shall drive, move, park or in any other way operate any vehicle within the county unless said vehicle is loaded so as to prevent any of its loads from dropping, shifting, leaking, blowing or otherwise escaping therefrom. In the event that the vehicle is hauling material such as garbage, compostable trash and derelict property or any other materials that could fall or blow from the vehicle, then said vehicle must use covered or secured with a close-fitting tarpaulin or other appropriate cover as defined herein.
2. Any driver or other person in direct control of any vehicle from which any materials or objects have fallen, blown, leaked, shifted or otherwise escaped shall immediately cause said materials or objects to be cleaned up at their own expense or be cited and fined in accordance with this ordinance and laws of the State of Mississippi.

Handbills:

1. No person shall throw, scatter, deposit or distribute or cause to be thrown, scattered, deposited, distributed, any handbill, upon and sidewalk, street, lane, alley, public ground or other public place upon any private lot or building within the county provided, that it shall not be lawful to distribute handbills to private residences, office or mercantile establishments if the same are handed in at the door or securely fastened to reasonably prevent it from being blown or scattered about.
2. The placing of handbills or advertising materials on vehicles is a violation of this ordinance.

B. Placement of Litter in Receptacles Required:

It is unlawful for any person to deposit anything except garbage in any receptacle placed for public use as a depository for litter or refuse.

1. All people shall store their garbage in leak-free, covered containers so as to eliminate wind-driven, debris and unsightly garbage in and about the property owned, operated or controlled by them. Spillage and overflow around containers shall immediately be cleaned up as it occurs.
2. Persons owning or occupying property shall keep side walks and right-of-way areas in front of their premises free of garbage, compostable trash and derelict property. No person shall sweep or deposit free garbage, compostable trash and derelict property into any gutter, street, parking lot, or other public place within the county.
3. All licensed construction and demolition contractors or contracting homeowners shall provide on-site receptacles as a means to secure, for loose debris, paper, building materials wastes, scrap building materials, and other garbage and derelict property to prevent wind-driven scattering of such materials if the materials are otherwise not properly disposed of on a daily basis.
4. It shall be the duty of each person to keep his or her own property clean and free of garbage and derelict
5. It shall be the duty of every person in possession, charge of or in control of any place public or private, where garbage, compostable trash and derelict property is accumulated or generated, to provide adequate and suitable receptacles and/or containers capable of holding such materials until proper final disposal is accomplished, and at all times to keep said garbage in these receptacles and/or containers.
6. Any unauthorized accumulation of garbage compostable trash and derelict property on any public or private property is a violation of this ordinance.

SECTION VI. GARBAGE CONTAINERS REQUIRED; CONSTRUCTION CAPACITY, TYPE; REGULATIONS GOVERNING USE.

- A. It shall be the duty of every owner or occupant of every building in the county to immediately provide or cause to be provided, and at all times keep or cause to be kept

within such building, or within limits of the premises owned or occupied by such person, in the case of private residences, containers in adequate number and condition as required herein.

- B. All commercial establishments and multi-family dwellings shall use the appropriate garbage collection containers and shall be required to maintain a healthy, clean, desirable and aesthetically pleasing condition and to comply with the provisions of this ordinance. All such containers shall be located on a site approved by the agent retained for collection of the same, which site shall not be situated on any public right-of-way.
- C. It shall be unlawful for any owner of any residential or commercial property to place or deposit glass, needles or any sharp object, unless the same shall be placed inside a durable plastic, metal or fiberglass container. Further, it shall be unlawful to dispose of any hazardous waste except in the manner specifically authorized by statute and shall not be disposed of as part of garbage, compostable trash and derelict property as defined herein.

SECTION VII. GARBAGE CONTAINERS REQUIRED, GARBAGE DISPOSAL REGULATIONS

It shall be unlawful for any person to place or deposit loose garbage upon the streets excepts as herein provided. Compostable trash, derelict property, trees, tree limbs, stumps, extra-large boxes, old furniture and the like, as well as the carcasses of dead animals will be made the subject of special collections by the county or its agent for said collection. Refrigerators disposed of in this manner shall have the doors removed as required by State Law. All garbage, compostable trash and derelict property resulting from the construction, repair or alteration of any building in the county shall be immediately removed at the expense of the licensed contractor or contracting homeowner or occupant of such building. All trees, tree limbs and brush cut by a contractor or any person performing such task shall be removed at such person's own expense.

SECTION VII. PLACEMENT FOR COLLECTIONS

Residential units and light commercial entities shall place garbage containers, compostable trash and derelict property subject to collection in a location as required by the county and/or its employees or agents for collection of the same.

SECTION IX. COUNTY COLLECTION SCHEDULES, ROUTES

The county or its agent shall provide a method of garbage, compostable trash and derelict property collection and disposal by the collection of such garbage, compostable trash and derelict property contained and prepared as above required. The county or its agent will maintain regular collection routes or particular days at particular times, and will make known to the public the routes, days and times of regular collections. The county, or its agent, with the approval of the Board of Supervisors, shall notify the public of any variations or changes in the regular collection schedule.

SECTION X. CERTAIN ACTS DECLARED UNLAWFUL

It shall be unlawful for any person:

- A. To place or deposit or cause to be placed or deposited upon the streets of the county, garbage, compostable trash or derelict property unless contained or prepared as required by this ordinance.
- B. To remove, examine or in any way disturb any garbage, compostable trash or derelict property deposited on the streets in the county for collection and disposal by the county other than the employees or authorized agents of the county engaged in its disposal, or other persons charged with the enforcement of this article.
- C. To throw or deposit or to cause to be thrown or deposited in any ditch, creek, watercourse, gutter or drain within the county any garbage, compostable trash or derelict property.

SECTION XI. CONTROL OF EXTERIOR STORAGE AND ABANDONED PROPERTY AND VEHICLES

- A. No person who owns or is in possession of, in charge of, or in control of any property shall store, deposit, scatter, or keep on the premises of any of the following:
 - 1. Derelict property as defined herein.
 - 2. Lumber, scrap metal, construction materials, machinery components, equipment, on the premises such as lawn furniture, bicycles, and refuse containers, or which object is not solely intended for use within thirty (30) days in construction or renovation on the premises.

3. Junk Motor Vehicles:

- i. Motor vehicles: shall be defined as any machine propelled by power other than human power, designed to travel along the ground, in the air, or upon water, by use of wheels, treads, runners, slides or the like, and transport person or property, or pull machinery and shall include, without limitation, automobiles, trucks, trailers, motorcycles, ATV's and tractors.
- ii. Junked vehicles: shall be defined as a motor vehicle deemed to be inoperable or dismantled, or partially dismantled or wrecked or has been determined to be abandoned.

4. The provision shall not apply to any of above-described objects if they are located in an enclosed building. The provision shall apply to any of the above-described objects readily visible from any public and/or private place, street or road view, or any other nearby or adjoining public or private property.

- B. This provision shall not apply to any object or equipment on the premises of a county licensed business enterprise operated in a non-residential district when the keeping or maintaining of such object or equipment is necessary to operation of such business enterprise, nor shall the provision, apply to any such object or equipment in an appropriate storage place or depository maintained in a lawful place by the county or any public agency.

SECTION XII. CONTROL OF WEEDS/GRASSES

1. Excess Growth of Weeds/Grasses Prohibited

It is unlawful for any person who owns or is in possession of, in charge of, or in control of any lot or parcel or and, in the county to allow weeds as defined herein to grow upon such property to a height exceeding twelve (12) inches, if said lot or parcel has at some time been cleared or altered in any way from its original natural state.

2. Removal of Weeds/Grasses

The enforcement of this ordinance shall be done pursuant to § 19-5-105 of the Mississippi Code Annotated as amended.

SECTION XIII. ENFORCEMENT

1. Enforcement Procedures.

- a. The Planning Commission Director, code enforcement officer, and any uniformed officer of the county are hereby empowered to issue corrective written notices or

citations to persons in violation of any of the provisions of this ordinance. Further, any citizen of Marshall County may file a sworn affidavit in Justice Court to be taken against any part in violation of this ordinance.

- b. Prosecution for a violation of this ordinance shall be initiated by the Planning Commission Director, code enforcement officer or uniformed officer of the county who has sufficient probable cause to believe this ordinance is being violated. If the Planning Commission Director, code enforcement officer or uniformed officer discovers an article of garbage, derelict property or junked vehicle bearing a person, corporation, company, firm business or institution's name or address on property of another or on any public property, it shall be presumed that said article of garbage, derelict property or junked vehicle so discovered is the property of such person whose name or address appears thereon, and said person placed or caused to be placed upon such article of garbage, derelict property or junked vehicle; provided, however, that such presumption shall be rebuttal by competent evidence. This presumption is based on the tenet that all generators of such items are responsible for such items until such time has been properly disposed of.

Corrective written notices may be issued to violators of this ordinance to correct an offense, in lieu of citation or arrest. The notice shall state the date and time issued, nature of the offense committed, corrective measures to be taken and the date and time such corrections shall be made. All such notices issued shall be maintained by the issuing authority for public inspections during normal office hours. Notices mailed by Certified Mail, return receipt requested, mailed to the violator's last known place of residence, shall be deemed personal service upon the person for the purpose of this ordinance.

2. Failure to Comply with a Notice

Any person who has been served such notice in accordance with the provisions of this ordinance, and who shall neglect or shall refuse or shall fail to fully comply with the corrective notices so ordered and/or within the time frame so ordered therein, shall be in violation of this ordinance.

and uniformed county officers—may issue written notices or citations. Citizens may file affidavits in Justice Court.

3. Penalties

Any person found to be in violation of any provision of this ordinance may be given a written citation with permanent record help at Justice Court plus a minimum fine of two hundred Fifty Dollars (\$250). The second offense will mandate a minimum of fine of five hundred (\$500) dollars and a maximum fine of one thousand (\$1000) dollars. Further violation will lead to fine, community service and/or jail sentence to be determined by the Judge with a minimum fine of five hundred (\$500) dollars and maximum fine of one thousand (\$1000) dollars. In situations where residential or business owners deliberately litter or refuse to clean up their property, fines will be assessed to include cost for clean up and/or restoration of property.

4. Clearing of Private Property

Upon the failure, neglect, or refusal of any person so notified to properly dispose of garbage, compostable trash and derelict property from their property within 30 days after issuance of proper corrective notice, the county may effect the removal of said garbage, compostable trash and derelict property and charge the owner of such property for the actual cost of removal pursuant to § 19-5-105 Mississippi Code Annotated as amended.

SECTION XIV. CONFLICT

Any other ordinances of Marshall County, Mississippi, which are conflicting or inconsistent with this ordinance are hereby repealed to the extent of any inconsistencies or conflicts.

SECTION XV. SEVERABILITY

Severability is intended throughout and within the provisions of this Litter Ordinance. If any provision, including any exception, part, phrase or term or the application thereof to any person or circumstance is held invalid by a Court of appropriate jurisdiction, the application to other persons or circumstances shall not be affected thereby, and the validity of the Litter Ordinance in any and all other respects shall not be affected thereby. The Board of Supervisors of the County do not intend a result that is absurd, impossible to execute or unreasonable. It is intended that the Litter Ordinance be held inapplicable in such cases, if any, where its application would be unconstitutional as Constitutionally permitted construction in intended and shall be given. The Board of Supervisors of the County do not intend to violate any provisions of the Constitution of the United States of America or the Constitution of the State of Mississippi

SECTION XVI. ORDINANCE CUMULATIVE

This ordinance shall be cumulative and in addition to any other laws in force.

SECTION XVII. EFFECTIVE DATE

The Board of Supervisors of the County do hereby unanimously find that it is necessary for the immediate and temporary preservation of the public cleanliness, health and safety that this Litter Ordinance be made effective immediately. Accordingly, this Litter Ordinance shall be in full force and effect from and after the 2nd day of August 2004, the date of its enactment.