

CODE OF ORDINANCES
City of
YAZOO CITY, MISSISSIPPI
Codified through
Ordinance of Oct. 24, 2005.
(Supplement No. 1)

Preliminaries

CODE OF ORDINANCES

**CITY OF
YAZOO CITY
MISSISSIPPI**

CONTAINING

THE CHARTER
AND
THE GENERAL ORDINANCES
OF THE CITY

Adopted, January 28th, 1980

Effective, February 28th, 1980

Republished, August, 2001

Published by Order of the Board of Mayor and Aldermen

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Tallahassee, Florida 2001

OFFICIALS
of the
CITY OF YAZOO CITY
AT THE TIME OF CODIFICATION

Charles E. Fulgham

Mayor

Percy Calvin

Charles J. Jackson
James Ingram
Ken Upshaw
Aldermen

Harrell Granberry

City Clerk-Tax Collector

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City Attorney

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of the
CITY OF YAZOO CITY

Hugh J. McGraw

Mayor

Wardell Leach, Mayor Pro Tempore

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PREFACE

This Code constitutes a complete republication of the general and permanent ordinances of the City of Yazoo City, Mississippi.

Source materials used in the preparation of this republished Code were the 1980 Code, as supplemented through Supplement No. 17, printed in December, 1996, and ordinances subsequently adopted by the Board of Mayor and Aldermen. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section was adopted for the first time with the adoption of the 1980 Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the Code, as supplemented, and any subsequent ordinance included herein.

The chapters of the Code are arranged in alphabetical order and the sections within each chapter or catchlined to facilitate usage. Footnotes which tie related sections of the Code together and which refer to relevant provisions of the state law have been included. A table listing the state law citations setting forth their location within the Code volume is included at the back of this volume. The source of each section is indicated by the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the Comparative Table also appearing in the back of the volume, any ordinance included herein can be readily found in the Code.

Numbering System

The numbering system used in this Code is the same system used in many state and municipal codes. Each section number consists of two component parts separated by a dash, the figure before the dash representing the chapter number and the figure after the dash indicating the position of the section within the chapter. Thus, the first section of Chapter 1 is numbered 1-1 and the seventh section of Chapter 8 is 8-7. Under this system each section is identified with its chapter and, at the same time, new sections or even whole chapters can be inserted in their proper places, simply by using the decimal system for amendments. By way of illustration: If new

material consisting of three sections that would logically come between Sections 4-3 and 4-4 is desired to be added, such new sections would be numbered 4-3.1, 4-3.2 and 4-3.3 respectively. New chapters may be included in the same manner. If the new material is to be included between Chapters 12 and 13 it will be designated as Chapter 12.5. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject, the next successive number being assigned to the article or division.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

CHARTER . . . CHT:1

CODE . . . CD1:1

APPENDIX A . . . CDA:1

STATUTORY REFERENCE TABLE . . . SRT:1

CODE COMPARATIVE TABLES . . . CCT:1

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Index

The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of the headings being couched in lay phraseology, others in legal terminology, and still others in language generally used by municipal officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which he is interested.

Looseleaf Supplements

A special feature of this Code is the looseleaf system of binding and supplemental service, by which the Code will be kept up-to-date periodically. Upon the final passage of amendatory ordinances, they will be properly edited and the page or pages affected will be reprinted. These new pages will be distributed to the holders of the Code with instructions for the manner of inserting the new pages and deleting the obsolete pages. Each such amendment, when incorporated into the Code, may be cited as a part thereof, as provided in Section 5 of the Adopting Ordinance.

The successful maintenance of this Code up-to-date at all times will depend largely upon the holder of the volume. As revised sheets are received it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publishers that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

The publication of the 1980 Code was under the direct supervision of George R. Langford, President, and B. Meade White, Editor for Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project. The republished Code was prepared under the supervision

of A. Lawton Langford, Corporate President, and Wilma Reed, Supplement Editor, with the able assistance of the MCC staff.

Time and effort were not spared in the preparation of the Code and the publishers are most grateful to Mr. T.H. Campbell, III, City Attorney, to Mr. Harrell Granberry, City Clerk.

August, 2001

MUNICIPAL CODE CORPORATION

Tallahassee, Florida

ADOPTING ORDINANCE

An Ordinance Adopting and Enacting a New Code of Ordinances of the City of Yazoo City, Mississippi; Establishing the Same; Providing for the Repeal of Certain Ordinances Not Included Therein, Except as Herein Expressly Provided; Adopting Technical Codes Mentioned Therein; Providing for the Manner of Amending Such Code of Ordinances; Providing a Penalty for the Violation Thereof; and Providing When This Ordinance Shall Become Effective.

Be it Ordained by the Board of Mayor and Aldermen of Yazoo City, in Council Convened:

Section 1. That the Code of Ordinances, consisting of Chapters 1 to 22, each inclusive, and adopting technical codes by reference, is hereby adopted and enacted as the "Code of Ordinances, City of Yazoo City," and shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances of the City passed on or before October 9, 1978, to the extent provided in Section 2 hereof. All technical codes adopted therein are declared to be a part of said Code of Ordinances.

Section 2. That all provisions of such Code shall be in full force and effect from and after the 28th day of February 1980, and all ordinances of a general and permanent nature of the City of Yazoo City, enacted on final passage on or before October 9, 1978, and not included in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this ordinance, except as hereinafter provided. No resolution of the City, not specifically mentioned, is hereby repealed.

Section 3. That the repeal provided for in Section 2 hereof shall not affect any of the following:

- (a) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance;
- (b) Any ordinance or resolution promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness, or any contract or obligations assumed by the city;
- (c) Any administrative ordinances or resolutions of the city not in conflict or inconsistent with the provisions of such Code;
- (d) Any ordinance fixing salaries of officers or employees of the city;
- (e) Any appropriation or budget ordinance or resolution; or any ordinance levying or assessing taxes;
- (f) Any right or franchise granted by the board of mayor and aldermen of the city to any person, firm or corporation;
- (g) Any ordinance dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way in the city;
- (h) Any ordinance establishing and prescribing the street grades of any street in the city;
- (i) Any ordinance providing for local improvements or assessing taxes therefor;
- (j) Any ordinance prescribing subdivision regulations or dedicating or accepting any plat or subdivision in the city;
- (k) Any ordinance annexing property to the city;

- (l) Any zoning ordinance of the city;
- (m) Any ordinances prescribing traffic regulations for specific locations, prescribing through streets, parking limitations, parking prohibitions, one-way traffic, limitations on loads of vehicles, or loading zones, not inconsistent with such Code;
- (n) Any ordinance enacted after October 9, 1978; nor shall such repeal be construed to revive any ordinance or part of an ordinance that has been repealed by a subsequent ordinance which is repealed by this ordinance.

Section 4. That whenever in such Code an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of such Code shall be punished by a fine of not more than one hundred dollars (\$100.00), or imprisonment for a term not exceeding thirty (30) days, as provided in Section 1-8 of such Code.

Section 5. That any and all additions and amendments to such Code when passed in such form as to indicate the intention of the board of mayor and aldermen to make the same a part thereof shall be deemed to be incorporated in such Code so that reference to the "Code of Ordinances, City of Yazoo City" shall be understood and intended to include such additions and amendments.

Section 6. That in case of the amendment of any section of such Code for which a penalty is not provided, the general penalty as provided in Section 4 of this ordinance and Section 1-8 of such Code shall apply to the section as amended; or, in case such amendment contains provisions for which a penalty, other than the aforementioned general penalty, is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

Section 7. That a copy of such Code shall be kept on file in the office of the City Clerk preserved in looseleaf form, or in such other form as the City Clerk may consider most expedient. It shall be the express duty of the City Clerk, or someone authorized by him, to insert in their designated places all amendments or ordinances which indicate the intention of the board of mayor and aldermen to make the same a part of such Code when the same have been printed or reprinted in page form, and to extract from such Code all provisions which may be from time to time repealed by the board of mayor and aldermen. This copy of such Code shall be available for all persons desiring to examine the same.

Section 8. That it shall be unlawful for any person to change or alter by additions or deletions, any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Yazoo City to be misrepresented thereby. Any person violating this section shall be punished as provided in Section 1-8 of the Code of Ordinances of the City of Yazoo City, and in Section 4 of this ordinance.

Section 9. That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 10. That this ordinance shall become effective on the 28th day of February, 1980.

PASSED, APPROVED AND ADOPTED BY THE BOARD OF MAYOR AND ALDERMEN
on this 28th day of January, 1980.

/s/ Charles E. Fulgham

Mayor

ATTEST:

/s/ Harrell Granberry

City Clerk

CERTIFICATE

I, Harrell Granberry, City Clerk, do hereby certify that the above and foregoing is a true and correct copy of that certain ordinance of like tenor and effect, passed on the 28th day of January, 1980, by the Board of Mayor and Aldermen of the City of Yazoo City, Mississippi, and as now appears duly recorded in Minute Book 15, page 195, of the proceedings of the said Board in the office of the City Clerk.

IN WITNESS WHEREOF, I have hereunto fixed my signature on this 4th day of February, 1980.

Harrell Gransberry
City Clerk

PART I CHARTER*

***Editor's note: Part I hereof contains the Charter Act approved March 15, 1884, as amended; an appendix of acts, resolutions and ordinances related but nonamendatory to said charter; and a disposition table giving the disposition of each act, resolution or ordinance affecting the city's charter, commencing with the act approved March 15, 1884. The editors have retained wherever possible the numbering system as set out in the Charter Act of 1884. In all instances where a section of the charter has been amended by subsequent act or by ordinance, such amending act or ordinance is set out in the history note immediately following the section amended. If a section has been superseded, the superseded provision has been omitted; on the other hand, if an amendment did not repeal a similar provision in the charter but added to it, the original provision appears herein.**

Material such as the enacting clauses, act titles, severability and repealed provisions have been omitted.

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ARTICLE I. ORGANIZATION

Sec. 1. Limits and boundaries of Yazoo City.

The entire corporate limits and boundaries of the City of Yazoo City, Mississippi shall embrace and include the following territory, and be defined as follows, to wit:

The West 653.5 feet of Section 14, Township 12 North, Range 2 West.

All of Section 15, Township 12 North, Range 2 West.

All of Section 16, Township 12 North, Range 2 West.

Section 21, Township 12 North, Range 2 West, less the Southwest 1/4 of the Southwest 1/4 West of Champlin Avenue.

The east 1/2 of Section 20, Township 12 North, Range 2 West, East of Mississippi Highway No. 3., less the East 1/2 of the Southeast 1/4 and a strip of land 100.0 feet in width lying South and parallel to the North line of the West 1/2 of the Southeast 1/4 of said Section 20 East of Mississippi Highway No. 3. The West 1/2 and the West 1/2 of the East 1/2 North and West of Graball Road of Section 22, Township 12 North, Range 2 West.

Part of Section 27, Township 12 North, Range 2 West, West of a line described as follows: beginning at the intersection of the South boundary of Section 27 with Willis Creek, run thence Northerly along the thread of Willis Creek with its meanderings to a point that is 2,250.0 feet West of the East boundary of Section 27, Township 12 North, Range 2 West; thence North to a point that is 525.0 feet South of the South side of Graball Road; thence East parallel to Graball Road to the West side of Hunnicutt Road; thence North along the West side of Hunnicutt Road to the North boundary of Graball Road; thence Easterly along the North side of Graball Road to the North boundary of Section 27.

Section 28, Township 12 North Range 2 West, less the Northwest 1/4 of the Northwest 1/4 North of 9th Street, but including Champlin Avenue and Lots 1, 2, 3 and 9 of Part "B" of Shady Oaks Subdivision.

Section 29, Township 12 North, Range 2 West South of a line and then East described as beginning at the Northeast corner of Section 29, run thence West along the North boundary of Section 29 to a point that is 1,195.0 feet Westerly of the centerline of the right-of-way of Mississippi Highway No. 3 measured at a 90-degree angle to the centerline; thence Southwesterly parallel to Mississippi Highway No. 3 to the West boundary of Section 29, Township 12 North, Range 2 West.

Part of Section 30, Township 12 North, Range 2 West South and East of a line beginning on the East boundary of Section 30, 1,195.0 feet West of the centerline of right-of-way of Mississippi Highway No. 3 measured at 90 degrees; thence parallel to Mississippi Highway No. 3 to the South boundary of U.S. Highway No. 49W; thence Westerly along U.S. Highway No. 49W to the low waterline of the Yazoo River; thence South along the River to the South boundary of Section 30, Township 12 North, Range 2 West.

Section 31, Township 12 North, Range 2 West East of the Yazoo River.

Section 6, Township 11 North, Range 2 West North of the center of the Old Yazoo River Channel and East of the low waterline of the Yazoo River.

All of Section 32, Township 12 North, Range 2 West.

All of Section 33, Township 12 North, Range 2 West, North of a line described as beginning at the Southeast corner of Lot 470 of Yazoo City; thence North along the East boundary of South Ward Street to the Northwest corner of Lot 141 of the Subdivision of Lot 469 of Yazoo City at Bush Street; thence East along the South boundary of Bush Street to the East boundary of South Drive; thence North to the Northwest corner of Lot 7 of the Subdivision of Lot 469 of Yazoo City; thence East along the North boundary of Lot 7 to the East boundary of Shinbone Alley; thence North along the East boundary of Shinbone Alley to the main thread of Town Bayou; thence Easterly along Town Bayou to a point that is 300.0 feet South 84 degrees 15 minutes West from Old Benton Road; thence South 55 degrees 45 minutes East 356.0 feet; thence South 25 degrees 27 minutes East 161.3 feet; thence South 81 degrees East to the West boundary of Section 33, Township 12 North, Range 2 West.

All of Section 34 North and West of a line described as beginning at a point on the West boundary of Section 34, Township 12 North, Range 2 West that is 1,000.0 feet North of the Southwest corner of Section 34; thence South 81 degrees East to the West side of Highland Drive; thence Easterly to the East side of Highland Drive to a point that is 434.75 feet South of the South side of Old Benton Road and 980.0 feet North of the South

boundary of Section 34, Township 12 North, Range 2 West; thence South 87 degrees 59 minutes East 229.1 feet; thence North 1 degree 30 minutes East 34.9 feet; thence North 89 degrees 45 minutes East 400.0 feet; thence Southeasterly to the Southwest corner of the Church of Christ church property; thence North 78 degrees East 337.0 feet to the West boundary of the Mississippi State Highway Department District Office property in the Southeast 1/4 of the Southwest 1/4 of Section 34, Township 12 North, Range 2 West; thence Southeasterly to a point on the East boundary of the said Mississippi State Highway Department District Office property that is 125.0 feet South of U.S. Highway No. 49W right-of-way line; thence Southeasterly parallel to U.S. Highway No. 49W right-of-way line to the West side of Lot 60 of Learville Subdivision; thence Easterly to the East side of Lincoln Street in said Subdivision at a point that is 140.0 feet South of the Mississippi State Highway Department South right-of-way line; thence East to the West right-of-way of U.S. Highway No. 49; thence South along said right-of-way to the South boundary of Section 34, Township 12 North, Range 2 West; thence East along the South boundary of Section 34 to a branch of Short Creek near the Southeast corner of Section 34; thence Northerly along said branch to the intersection of Bruce Street with the South right-of-way of Mississippi Highway No. 16; thence East along said South right-of-way to a point that is on the East boundary of Section 34.

Part of Section 35, Township 12 North, Range 2 West, West of a line described as beginning on the South boundary of Mississippi State Highway No. 16 at its intersection with the West boundary of Section 35, Township 12 North, Range 2 West; thence along the said South boundary to a point that is 1,000.0 feet East of the West boundary of Section 35, Township 12 North, Range 2 West; thence Northeasterly to the Southeast corner of the Northwest 1/4 of the Northwest 1/4 of Section 35; thence North to the North boundary of Section 35; thence West along the North boundary of Section 35 to the Northwest corner of said Section 35.

(Ord. of 8-22-77, recorded in Photostat Book 240, page 122, Secretary of State's office; Ord. of 6-11-79, § 2; Ord. of 8-13-79, § 2; Ord. of 8-24-81; Ord. of 10-22-84, § 2; Ord. of 2-13-95, §§ 2, 5; Ord. of 11-13-95, §§ 2, 5; Ord. of 1-10-2000; Ord. of 1-24-2000; Ords. (2) of 3-27-2000, §§ 1, 2; Ord. of 8-23-2004, § 2)

State law references: Method of annexing territory, Miss. Code 1972, §§ 21-1-27--21-1-47.

Sec. 2. Body corporate and politic; seal.

The inhabitants of said city and their successors forever, are hereby constituted a corporation and body politic in fact and in law, by the name and style of "Yazoo City," and by that name shall have perpetual succession, and [may] sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity, in all actions whatsoever; and may have a common seal, and may break, change, alter or make a new seal at pleasure.

(Ord. of 6-13-1898, § 2)

State law references: General grant of power, Miss. Code 1972, § 21-17-1; clerk to keep minute book, city seal, § 21-15-17.

Sec. 3. Officers.

The municipal government of said city is hereby vested in a mayor, to be elected by the voters of the city at large, and four (4) aldermen, one to be elected from each of the four (4) wards of the city by the voters of said ward and to be a resident of said ward. There shall be a marshal, an assessor of taxes, a clerk and collector of taxes (to be one office and held by one person), and such other subordinates as may be established by said mayor and aldermen in council.

(Ord. of 9-8-19, § 1; Ord. of 8-26-29, § 1; Ord. of 10-8-51, § 1; Ord. of 7-13-70, § 1; Ord. of 2-28-77, § 1)

Editor's note: Ord. enacted February 28, 1977, is recorded in the office of the Secretary of

State.

State law references: Similar provisions, Miss. Code 1972, § 21-3-3.

Sec. 3.1. Election of aldermen.

At the next general election of said city to be held on the first Monday in April, A. D., 1978, one alderman for each of the four (4) wards of said city shall be elected by the voters of each ward to hold office for four (4) years and until his successor in office is qualified. Each alderman shall be at the time of his election a resident of the ward from which he is elected. Subsequent changes in ward lines shall not vacate the office of alderman. Said four (4) aldermen shall possess all the powers and privileges now conferred upon the aldermen of said city by the charter and ordinances thereof.

(Ord. of 9-8-19, § 4; Ord. of 10-13-19, § 1; Ord. of 7-13-70, § 2; Ord. of 8-6-70, § 1; Ord. of 2-28-77, § 1)

Editor's note: Ord. enacted on February 28, 1977, is recorded in the office of the Secretary of State.

Cross references: Division of city into wards, § 14(28); registration, § 31 et seq.; elections generally, § 41 et seq.

State law references: Municipal elections, Miss. Code 1972, §§ 21-11-1 et seq., 23-1-47, 23-1-63, 23-3-71.

Sec. 3.2. Duties, compensation of clerk and collector of taxes.

The office of clerk and collector of taxes shall be one office and filled by one person and shall be elective by the council in the manner and at the time now prescribed by the charter and ordinances of said city for the office of city clerk, and the term of office of the clerk and collector of taxes shall be such as may be fixed by the council by ordinance. The clerk and collector of taxes shall perform the duties and possess the powers now prescribed by the charter and ordinances of said city for the city clerk and the collector of taxes, which duties and powers may at any time be changed or modified by the council by ordinance. The compensation of the clerk and collector of taxes shall be such as may be fixed by the council by ordinance.

(Ord. of 9-8-19, § 3)

State law references: Duties of clerk, §§ 21-15-17--21-15-21.

Sec. 4. Aldermen; vacancies in office.

Said aldermen shall be bona fide residents of the respective wards, which they are elected to represent, and in case of the removal of any alderman from the ward of which he shall have been chosen during the time for which he was elected, his office shall thereby become vacant, and it shall be the duty of the council forthwith to order an election in such ward to fill such vacancy in the same manner as herein provided for holding special elections.

(Ord. of 7-13-70, § 3; Ord. of 2-28-77, § 1)

Editor's note: Ord. enacted on February 28, 1977, is recorded in the office of the Secretary of State.

Sec. 5. Term of office.

The political year of said city, and the terms of office of said mayor, aldermen, treasurer, assessor and collector, marshal and clerk shall commence on the second Monday in April of the year in which they are respectively elected, unless when elected to fill a vacancy.

State law references: See Miss. Code 1972, § 21-15-1.

Sec. 6. Oath of office; bond.

On or before the commencement of their terms of office, the said mayor, aldermen, treasurer, assessor and collector, marshal and clerk and other subordinate officers of said city shall take and subscribe before any officer authorized by law to administer oaths, an oath to support the constitution and the laws of the United States and the State of Mississippi, and to

faithfully perform the duties of their offices respectively, according to the law. Said mayor, treasurer, assessor, collector, marshal and clerk and other subordinate officers shall give bond with good security, to be approved by said mayor and aldermen in council, for the faithful discharge of the duties of their respective offices; such bonds shall be payable to Yazoo City, and shall be in such form, penalties and conditions as may from time to time be provided by said council.

State law references: Similar provisions, Miss. Code 1972, § 21-15-3.

Sec. 7. Powers and privileges; quorum; deeds and contracts.

The legislature, contracting and corporate powers of Yazoo City are hereby vested in a council to be composed of said mayor and aldermen, with full power to make and establish rules for its own government, to appoint and regulate the time of its regular meetings, and the manner of being convened in special meetings, and to alter the same at pleasure, to elect a clerk and a marshal of said city, who shall hold their offices for one year from the date of their election, and until their successors in office are qualified, unless sooner removed or elected to fill a vacancy; also such other subordinate officers as such council may from time to time deem necessary. A majority of the city council, consisting of the mayor and aldermen, shall constitute a quorum, and the mayor shall be the presiding officer of the council and may vote on all ordinances, resolutions, issues and matters before the council. Said council may delegate the supervision of the various affairs of the city to committees of its own members and to its subordinate officers with prescribed powers, but all public work and contracts, and materials therefor, shall only be authorized by the council; and all deeds and contracts necessary to be made by said corporation in writing shall be authorized by resolutions of said council, signed by the mayor, attested by the clerk, and be under the seal of the corporation.

(Ord. of 8-23-54, § 1; Ord. of 8-4-70, § 1)

Editor's note: Ord. enacted on Aug. 4, 1970, is recorded in Photostat Book 184, page 371, in the office of the Secretary of State.

Sec. 8. Mayor and aldermen-elect; organization.

Said mayor and aldermen-elect shall, on the second Monday of April succeeding their election, or as soon thereafter as possible, assemble and organize in council, and cause to be filed and entered on the minutes their oaths of office, and adopt such ordinances from time to time, as may be necessary for their efficient organization and administration of the affairs of the city.

Sec. 9. Style of ordinances; code of ordinances.

The style of the ordinances of said city shall be: "Be it ordained by the board of mayor and aldermen of Yazoo City, in council convened;" and all ordinances passed by said council shall, within ten days thereafter, be published in one or more newspapers in said city, or be printed in circular form and posted in twenty or more of the most public places thereof. Whenever in any judicial proceeding it shall be necessary to prove the existence of any ordinance of said city, a copy of such ordinance, certified to by the clerk of the municipality, or the ordinance book or minute book in which said ordinance is entered, may be introduced in evidence, and shall be prima facie evidence of the existence of such ordinance and that the same was adopted and published in the manner provided by law. Said council may from time to time authorize the revision and codification of the ordinances and their publication in pamphlet or book form, and may adopt the same as the code of the ordinances of Yazoo City; and when said code is printed and published in pamphlet or book form in not less than one hundred copies, it shall become effective and operative, and said council at the next meeting, or as soon thereafter as possible, shall pass an ordinance adjudging whether or not the said code has been published in pamphlet or book form as herein provided, and such finding shall be prima facie evidence of the facts therein adjudged. In the preparation of said code, the same may be divided into chapters and sections, and the

ordaining and enforcing clauses may be omitted. It shall not be an objection to the validity of said code, or of any chapter or section thereof, that it, or any chapter or section therein contained, shall not have been published in a newspaper in said city or printed in circular form and posted in twenty or more of the most public places thereof, but said publication in pamphlet or book form in not less than one hundred copies shall be the only publication required, and this shall be true even though said code shall contain chapters, sections and provisions not previously adopted as ordinances by said city. Whenever in any judicial proceeding it shall be necessary to prove the existence of said code, a copy thereof, certified to by the city clerk, may be introduced in evidence, and shall be prima facie evidence of the existence of the same.

(Ord. of 1-13-08, § 1)

State law references: Relevant provisions, Miss. Code 1972, § 21-13-11; authority to codify ordinances, § 21-13-15; introduction of ordinance into evidence, § 21-13-17.

Sec. 10. Contested elections; expulsion from office.

Said council shall have power to compel the attendance of witnesses and production of papers touching any contested election; they shall also have power to expel from office for malfeasance, misconduct, misdemeanor or drunkenness, the mayor or any alderman, or any of the elected, appointed or subordinate officers of said city by a recorded vote of six members of the council.

Sec. 11. Resignation of officers; mayor pro tem.

All resignations by an officer of said city, except when made by the mayor, shall be addressed to the mayor, and when by the mayor, to the aldermen in council; and whenever the mayor shall be absent from the city, or unable or from any cause fail to discharge the duties of his office, or whenever the said office shall be made vacant by death or otherwise, the council shall have the power to appoint one of their number mayor pro tem, who until the return to duty of the mayor in office, or in case of a vacancy the election and qualification of his successor, shall by such appointment be vested with all of the powers and rights, and perform all of the duties belonging to said office, and receive such compensation as may be fixed by resolution of the city council.

(Ord. of 6-12-50, § 2)

Sec. 12. Compensation of officers.

The mayor and aldermen, city clerk and city attorney of said city shall for their services receive such compensation as may be fixed by ordinance, and such other subordinate officials of the city shall receive such compensation as may be provided by resolution of the board.

(Ord. of 3-12-06, § 1; Ord. of 4-22-40, § 1; Ord. of 6-27-49, § 1; Ord. of 3-24-58; Ord. of 9-12-62; Ord. of 9-30-63, § 1)

Editor's note: Ord. enacted on Sept. 30, 1963, is recorded in Photostat Book 184, page 581, in the office of the Secretary of State.

Sec. 13.1. Fees and duties of officers.

Said council shall by ordinance prescribe and define the fees, duties and liabilities of the mayor, marshal, treasurer, assessor and collector, clerk and other subordinate officers of said city; and said subordinate officers shall hold their office for the time and on the conditions prescribed by ordinance.

ARTICLE II. POWERS OF THE COUNCIL

Sec. 14. Powers enumerated.

Said council shall have power by ordinance:

- (1) *Purchase property. To purchase, receive and hold for and in the name of said city, real and personal property within the city and also beyond the limits thereof, to be used for the burial of the dead, and for hospital and other buildings for the reception*

of persons and things infected with contagious and other diseases, and for bridges across the Yazoo River, and for approaches and supports for such bridges, or approaches thereto, and for establishing and enforcing quarantine and other regulations necessary to the health, safety and good order of said city, and for public streets, roads, alleys, landing grounds, wharfs, and schools, and to acquire title to, or use of same as provided in section 20, and may sell, lease or dispose of such property for the use and benefit of said city; provided, that the wharfs and cemeteries of said city shall not be sold without the assent of a majority of the electors of said city.

State law references: Similar provisions, Miss. Code 1972, § 21-17-1, 21-19-1 et seq.

- (2) *Pavements, sidewalks, gutters. To open, alter, abolish, widen, establish, grade, level, pave or otherwise improve, clean and keep in repair all streets, avenues or alleys in said city and to fix and establish the permanent grades thereof, and to provide for the lighting of the same; to remove all obstructions from the sidewalks, streets, avenues and alleys, and to provide for the construction and repair of sidewalks, curbs and gutters along the streets, avenues, and alleys at the general expense of said city or at the expense, in whole or in part, of owners of property fronting or abutting thereon, and to prescribe the manner in which such work shall be done, and the material to be used therein; to provide for the paving, re-paving, or repair, in whole or in part, of streets, avenues or alleys in said city at the general expense of said city or at the expense, in whole or in part, of owners of property fronting or abutting thereon and to make local or special assessments therefor, and to prescribe the manner in which such work shall be done and the material to be used therein; also to have and exercise the following additional powers with regard to street paving, to wit:*

Where the city has previously adopted a system of street paving on the front foot assessment plan and desires to extend the paving of its streets, avenues, or alleys, on the front foot assessment plan as a basis of assessment to abutting property owners below that imposed in prior street paving projects, it may, in order to provide equality in taxation for street paving purposes refund to abutting property owners such proportion of the amount previously paid by them under previous street paving assessments, and cancel such proportion of any unpaid street paving assessments against abutting property owners under previous street paving assessments as will equalize the basis of assessment to abutting property owners in prior and any additional street paving projects, and in lieu thereof provide for the cost of such previous paving so represented by such refund and cancellation of assessment by the levy of a general assessment against all of the taxable property of the municipality, and in order to provide immediate funds to carry out the provisions hereof the municipality may issue bonds in any manner now provided by law for other purposes, and a general assessment shall be annually levied against all of the taxable property of the municipality sufficient to pay said bonds and the interest thereon as the same severally become due; provided, however, that no refund of any assessment or cancellation of any assessment shall be made except within ten years from the date such assessment became final.

Before any municipality shall be authorized to make the refund and effect the cancellation of unpaid assessments as herein provided the council shall by resolution spread upon its minutes declare its intention of so doing, fixing in said

resolution a date not less than three weeks from the date of the first publication of said resolution when the council shall meet to hear any objections or remonstrances thereto, and shall publish said resolution in a newspaper published in the municipality by insertion therein once a week for three successive times prior to such meeting, and if twenty per centum of the qualified electors of said municipality file a written protest against such proposed refund and cancellation of unpaid assessments before the convening of said meeting then the council shall cause an election to be held in the municipality of which not less than three weeks' notice shall be given by a notice published in a newspaper in the municipality once a week for three weeks preceding the same, at which election the qualified electors of the municipality shall determine by majority vote whether or not such proposed refund and cancellation of unpaid assessments shall be made, and if no such protest be filed, then the council shall be authorized to make such refund and cancellation of assessments.

State law references: Similar provisions, Miss. Code 1972, §§ 21-37-1 et seq., 21-37-3 et seq.; special improvements, § 21-41-1 et seq.

- (3) *Navigation of the Yazoo River. To improve and preserve the navigation of the Yazoo River within the city; remove and prevent obstructions thereto; erect, repair and regulate public wharves and docks, and regulate the erection of private wharves, and fix the rate of wharfage; regulate the anchorage, mooring and landing of all steam boats and other water crafts in said city; establish the office of harbor master, define the duties of same and fix the compensation thereof; build, own and control a bridge or bridges across the Yazoo River, within or without the corporate limits of said city; regulate and control all ferries and bridges across said river in said city, and fix the rates of ferriage and tolls.*

State law references: Similar provisions, Miss. Code 1972, § 21-37-15.

- (4) *Market houses. To erect market houses and rent or lease the same; establish markets and market places, and govern and regulate the same, and suppress forestalling and regrating and hucksters.*

State law references: Similar provisions, Miss. Code 1972, § 21-37-17.

- (5) *Inspection of oil, lumber, etc. To provide for the inspection of coal oil and other oils and fluids, the product of petroleum, used for illuminating purposes; the inspection and measuring of lumber, timber and all other building materials; the inspection, weighing and measuring of stone and charcoal, fire wood and other fuel used in said city.*
- (6) *Flour, pork, butter, provisions. To regulate the inspection of flour, pork, bacon, lard, butter, corn and other meal, and all other articles of provisions, and all kinds of liquors and wines; the sale of fresh meats, poultry, butter, vegetables and other commodities brought into the city for sale.*
- (7) *Suppress certain activities. To restrain, prohibit or suppress tippling houses, dram shops, gaming, gambling houses, houses of ill fame, and other disorderly houses, and to regulate, suppress or prohibit bowling alleys, cane or knife racks and like devices, ten pin alleys, skating rinks, roller coasters, pistol or shooting galleries, billiard rooms, pool rooms, slot machines, automatic vending machines and other like things.*

State law references: Suppression of gaming, disreputable houses, etc., Miss. Code 1972, §

21-19-19.

- (8) *Carriage of persons and property. To fix the rates to be charged for the carriage of persons and property within said city, and to and from said city and the cemetery, hospitals and place of quarantine beyond the city limits.*
- (9) *Street regulations; public pounds. To prevent cattle, horses, hogs, dogs and other animals from running at large in the streets, by impounding the same, or the use of such other means as they may see proper to adopt; regulate the driving of hogs, cattle and other animals through the streets and the speed of riding and driving vehicles through the same; and to establish and regulate public pounds.*

State law references: Similar provisions, Miss. Code 1972, § 21-19-9.

- (10) *Combustibles and explosives. To regulate the keeping and carting of gunpowder and all other combustible, explosive and dangerous materials; regulate the use of lights, lamps and candles in livery and other stables, factories and shops; remove or prevent the construction of any hearth, fireplace, chimney, stove, stovepipe, flue, boiler, kettle, furnace or other apparatus or thing in any house, factory or business which may be deemed dangerous in causing or promoting fires.*

State law references: Powers as to fire regulations, Miss. Code 1972, § 21-19-21.

- (11) *Fire department; fire wardens, duties of. To organize and maintain fire companies and a fire department, and provide for the prevention and extinguishment of fires, and the investigation of the causes thereof; to appoint property guards with power to remove and keep away from the vicinity of any fire all idle and suspicious persons lurking near the same, and to compel any person to aid in extinguishing fires, and in the preservation of property exposed to the danger of same, and to prevent property from being stolen thereat, with such other powers and duties as may be prescribed by ordinance; to appoint fire wardens and require them at reasonable times to enter and examine all dwelling houses and other dwellings, yards, lots and enclosures in order to ascertain if any of them are in a dangerous condition, and to cause such as may be unsafe to be put in good condition; to compel owners and occupants of dwelling houses and other buildings to put scuttles in the roofs thereof with steps leading to same; to prohibit and prevent the erection of frame and wooden buildings, roofs and sidewalks within prescribed limits in said city.*

State law references: Authority as to fire department and firemen. Miss. Code 1972, § 21-25-1 et seq.

- (12) *Walls and partitions. To regulate and prescribe the manner of building partition and parapet walls and partition fences, water-sheds, water-pipes, gutters and spouts, and regulate and arrange with uniformity such buildings as may be erected in said city, and the sheds or awnings in front of same.*
- (13) *Public buildings and grounds. To provide for enclosing, improving, ornamenting and regulating all public grounds belonging to said city, and for the erection of all needful public buildings therein, and the repair and improvement of same.*

State law references: Similar provisions, Miss. Code 1972, §§ 21-19-31, 21-37-1 et seq.

- (14) *Pavements, bridges, drains. To establish, erect and keep in repair all bridges, culverts, sewers, walks and pavements, and prescribe the material to be used, the manner of constructing and the use of same; and establish, alter or change the channel of watercourses and drains, and wall them up and cover them over, or place*

them underground.

State law references: Similar provisions, Miss. Code 1972, § 21-37-3.

- (15) *Health regulations. To make regulations to secure and promote the general health of the inhabitants of said city, and to this end to prevent and remove all nuisances, order and direct the removal to some appointed place within or without the city, all damaged cotton, cotton seed, stable and other manure, spoiled fish, vegetables or any kind of matter or thing prejudicial to health, comfort or safety; to require the filling up or draining of all ponds, drains, cellars, vaults, sewers, culverts or gutters, or other thing or place which by their condition tend to produce, foster or increase disease, by the owners of the lots on which they are situated; and generally to require the owners or occupants of houses or lots to remove or abate all nuisances of any description therefrom.*

State law references: Generally, see Miss. Code 1972, § 21-19-1 et seq.

- (16) *Epidemics, quarantine; board of health. To establish such regulations as may be deemed proper to prevent the introduction or spread of epidemics, contagious and infectious diseases and to make quarantine laws and enforce the same within five miles of the city; and establish hospitals and warehouses for the reception and detention of sick persons and all articles and things restrained by quarantine regulations at the place of quarantine, and exercise the same jurisdiction and control at all places of quarantine without, as if the same were within, the jurisdiction of the city, and to take and apply all lands that may be necessary for quarantine purposes; to establish a board of health, appoint a board of health officers and a city physician with power to administer oaths to parties and witnesses in all matters coming under their inspection and supervision, and to define and to provide a compensation for such officers; to establish city hospitals and make laws for the government thereof.*

State law references: Similar provisions, Miss. Code 1972, §§ 21-19-3, 21-19-5.

- (17) *Burying grounds. To lay out, designate, enclose and regulate such burying grounds as may be necessary for the interment of the dead of said city, within or beyond the limits thereof; to appoint sextons for same, and prescribe their duties and compensation, and to take and apply all lands necessary for such burying grounds and prevent the interment of any deceased person or animal within the limits of said city.*

State law references: Similar provisions, Miss. Code 1972, § 21-37-21.

- (18) *Report of deaths. To require the attending physicians to report in writing to the sexton all cases of death by disease or accident, specifying the name, age and color of the deceased, and the disease or casualty of which he died.*
- (19) *Vagrants, beggars. To prevent the introduction in the city of paupers, tramps, vagrants, beggars, common prostitutes and their associates, and to cause the expulsion of the same therefrom, and to prevent coming into the city or lurking about the same, dangerous, suspicious and disorderly persons; to punish any person or common carrier who may bring any such class of persons into said city, and to compel such persons or carrier to carry them away.*
- (20) *City police. To establish and regulate a city police [force], with power to preserve the peace and to arrest all disturbers thereof, and all that class of persons mentioned in the preceding subsection, of this section, and commit them to the city prison for*

trial; to appoint and regulate patrols, and to ordain all needful laws for preventing and suppressing all crime, obscenity, profanity, drunkenness and other disorderly conduct and unlawful assemblages in said city.

State law references: Police, Miss. Code 1972, § 21-21-1 et seq.

- (21) *Enumeration of inhabitants. To provide for taking from time to time an enumeration of the inhabitants of said city.*
- (22) *Free public schools. To establish and maintain public schools for the free education of the children of said city, and to levy and collect a tax for the maintenance of such and the purchase or erection of all necessary school buildings, furniture and apparatus therefor, as hereinafter provided.*

(Ord. of 11-27-78)

Editor's note: Ordinance amending subsection (22) was deemed unnecessary by Attorney General, as covered by state law. It is included to bring such subsection into conformity with state law.

- (23) *Sale of animals impounded. To sell at public sale all cattle, hogs and other animals that may be impounded in said city, and the proceeds of such sales, after deducting all proper charges and expenses therefrom, shall be paid to the owners of the property so sold; provided, that any moneys arising from any such sale that may remain unclaimed for twelve months thereafter, shall be transferred to the general fund of said city, and all claims and actions therefor shall be barred.*

State law references: Authority, Miss. Code 1972, § 21-19-9.

- (24) Reserved.

Editor's note: Subsection (24) empowering the city to establish, construct, regulate waterworks, gas works and the like, was stricken from the Charter by Ord. of Nov. 15, 1901. The ordaining clause of said ordinance provided "that paragraph (24) of section 14, and section 66 of the charter . . . be and the same are hereby amended, by striking them out of said charter in whole, and by substituting in lieu thereof and instead, the following . . . " To avoid repetition, the editors have set out the provisions of said ordinance, as amended, at § 66 of the charter.

- (25) *Workhouse. To establish houses of correction and workhouses, in which any person on on [upon] default of paying any fine and costs imposed by the city court, shall be confined at hard labor until such fine and costs are paid.*
- (26) *Right-of-way through city. To grant the right-of-way to lawfully organized companies, to construct and operate railroads through or across the streets, alleys and grounds of said city, and to regulate the running and standing of cars and engines on the track thereof, whether such cars be drawn by steam or horse or other power, in such manner as to prevent accident to life or property, obstruction to such streets, alleys and grounds, and to promote the security, comfort and convenience of the inhabitants of said city.*

State law references: Authority as to railroad crossings, Miss. Code 1972, § 21-37-9.

- (27) *Street tax. To exempt the inhabitants of said city from personal labor on the streets and roads, and in lieu thereof to levy and collect an annual street tax not to exceed five dollars, on all residents of said city eighteen years of age and not over sixty, in the same manner as other taxes are levied and collected.*
- (28) *Wards. To divide said city into two or more wards, each to contain as near as may*

be an equal number of electors and taxpayers, and define the boundaries of such wards.

- (29) *Taxes. To levy and collect taxes on all property and privileges as hereinafter provided.*

State law references: Taxation, Miss. Code 1972, § 21-33-1 et seq.

- (30) *Ordinances, fines and forfeitures. To pass all ordinances, orders and by-laws, not contrary to the constitution and laws of the United States and the constitution of this state, necessary or proper to carry into effect the powers, express or implied, and the full intent, purpose and scope of this act, and to fix and enforce adequate fines, penalties and forfeitures for their violation, not to exceed five hundred dollars fine, nor ninety days imprisonment for each separate offense; and all such ordinances to amend or repeal as the good order and welfare of said city and its inhabitants may require.*

State law references: Punishment authorized by state law, Miss. Code 1972, § 21-13-1.

- (31) *Appropriation of money; vote of members. If said council shall appropriate any money or allow any claim for any public work, contract or object whatsoever, not authorized by this act, and a previous order of said council, the members of said council shall be personally and jointly and severally liable for the amount of such appropriation or allowance, to be recovered by suit in the name of their successors in office, but any member of said council may be discharged from liability in any suit by plea and proof that he voted against such unauthorized appropriation or allowance of money; and any member, on demand, shall have his vote recorded on the minutes of the council on any question of appropriation or allowance of money for any purpose whatsoever.*

State law references: Penalty for unauthorized claim or appropriation, Miss. Code 1972, § 21-39-17.

- (32) *Public library. To maintain one or more libraries for public use, and to regulate the use thereof.*

State law references: Authority, Miss. Code 1972, § 21-37-19.

- (33) *Swimming pools and facilities. To build, establish, construct, own and equip a swimming pool or pools in said city, with necessary bathhouses and water purification system or systems therefor, and other apparatus and appliances incident thereto, and to purchase, acquire and hold for and in the name of said city necessary grounds therefor, and to make appropriations of funds necessary for any and all such purposes, and in order to provide immediate funds for any and all of such purposes to issue bonds in any manner provided by law for the issuance of bonds by municipalities for other purposes and receive and apply gifts and donations therefor and to operate and maintain said swimming pool or pools, bathhouses, water purification systems, and other apparatus and appliances incident thereto, and to make appropriations of funds necessary therefor, and to make a reasonable charge to patrons for the use of said pool or pools, and to rent or lease said pool or pools and appurtenances after being so acquired.*

(Ord. of 11-15-01, §§ 1--3; Ord. of 9-8-02, § 1; Ord. of 8-12-07, § 1; Ord. of 6-24-12, § 1; Ord. of 7-22-12, § 1; Ord. of 7-15-24, § 1; Ord. of 5-12-30, § 1; Ord. of 10-23-50, § 1; Ord. of 11-27-78; Ord. of 10-13-80, § 1)

Sec. 14.1. Depository for municipal funds; selection; bond; commission.

- (a) All funds heretofore kept by the treasurer shall be kept by a bank or trust company located in said city which shall be selected by the council and designated as the Yazoo City depository.
- (b) Whenever in the charter or any amendment thereto, the word "treasurer" or "treasury" occurs, the same is hereby stricken out and in lieu thereof inserted the word "depository" and all provisions therein applicable to the treasurer shall be applicable to said depository unless inconsistent herewith.
- (c) The council shall select for a definite term the said depository from the bank or trust company offering through sealed proposals the highest rate of interest and in the opinion of the council making the proposal which in its entirety will best promote the business and economical interest of the city.
- (d) The bank or trust company so selected shall before the beginning of the term for which it has been selected give bond in such amount and with such sureties as may be fixed and approved by the council conditioned for the faithful discharge of the duties and that it will well and truly according to law receive, disburse and account for all moneys belonging to the city.
- (e) After a compliance by such depository with the preceding subsection, the mayor under seal of the city, attested by the clerk, shall when directed so to do by the council, issue to said depository a commission which shall be in the following form:
"State of Mississippi Yazoo City
"County of Yazoo

"Know all men by these presents that the _____ located in said city, has been selected and designated by the council as the 'Yazoo City Depository' for a definite term."

(Ord. of 10-12-08, §§ 1--5)

State law references: Requirements as to selection, Miss. Code 1972, § 27-105-353.

Sec. 15. Tax levies.

Said council shall have power by ordinance:

- (1) *Ad valorem tax; special tax. To levy and collect a general ad valorem tax not exceeding fifteen mills on the dollar on the value of all property, real, personal and mixed, situated or belonging in said city, including money, notes, bonds, accounts, and other indebtedness to the taxpayer, subject, however, to the limitations imposed under the laws of the State of Mississippi as now in force or as may be hereafter enacted or amended relative to exemptions from taxation.*
- (2) *Privilege tax; exceptions. To levy and collect a privilege tax on all businesses, trades, employments, callings, occupations, persons, things and property whatsoever, in said city, on which the state imposes a privilege or license tax under the laws of Mississippi and amendments and additions thereto, not to exceed, however, the limit fixed by the laws of Mississippi and amendments thereto upon municipalities in levying privilege taxes, and to issue license therefor in such manner and form and for such length of time, not to exceed one year, as said council may ordain.*
- (3) *Theaters, circuses, amusements, carriers, etc. To tax and license as a privilege, and regulate all theatrical and other amusements, shows, circuses, menageries, sideshows, exhibitions, concerts and all other performances where a fee is charged for admission, and not devoted exclusively to educational or religious purposes in said city; all hacks, carriages, omnibuses, wagons, carts, drays, floats, ferry boats, and all other vehicles used as carriers for hire; inns, hotels, taverns,*

boardinghouses, ordinances, victualizing and snack houses or stalls, porters, dogs, petty groceries, fruit shops and stalls, oysterhouses and stalls, restaurants and all houses and places where spirituous and malt liquors are sold or kept for sale in less quantities than one gallon, and to regulate the retailing thereof, according to the laws of this state on that subject.

- (4) *Callings generally. To tax and license as a privilege, and to prescribe terms and conditions under which such license shall be issued, and to regulate, all callings, trades, employments, business, occupations and professions conducted, pursued, carried on or operated within the limits of said city, and the persons, firms, or corporations engaged therein, and particularly, the following: Hawkers and peddlers; boats; trading in produce, provisions, or merchandise; transient vendors of jewelry and other articles of merchandise; insurance; real estate; railroad, and steamboat agents; junk shops and junk dealers; billiard, pool, and other like tables; nine or ten-pin alleys or similar contrivances kept for public use or play; wharf boats; rooms, halls, or buildings used as theaters, opera houses, or for balls and dances, or other shows, exhibitions, or concerts; auctioneers; tailors, barbers; butchers; undertakers; blacksmiths; silversmiths; carpenters and joiners; brick masons; brick yards; furniture makers; repairers of machinery and vehicles of all kinds; garages; filling stations; automobile accessories and supplies; thinners; prescriptionists; boot and shoe makers; saw, planing and grist mills; shingle yards and makers; lumber yards and dealers; coal and wood yards; ice houses and factories; practicing attorneys; physicians and dentists; telegraphers; civil engineers; architects; resident and transient brokers not licensed as merchants; commission merchants; gas and electric companies and telephone exchanges; sewing machine agents; soda fountains; photograph and shooting galleries; livery, feed and sales stables; banks; street exhibitions; drummers or commercial travelers; agents; hucksters and street stands or stalls; bottling works; solicitors, agents or persons engaged in going from house to house and taking orders or selling for cash or credit for present or future delivery; any goods, wares; merchandise books, or other commodities or articles.*
- (5) *Privilege not transferable; exemptions. The privileges herein taxed shall be personal and not transferable, and such license shall not exempt from taxation any property used in the business licensed; provided, that all property of this state, county and city, and all property of religious societies, organized and active fire companies and benevolent associations, not used for rental, profit or speculation, all wearing apparel, except watches and jewelry, household furniture not exceeding two hundred and fifty dollars in value, poultry, the tools of mechanics and other artisans necessary for carrying on their trade; libraries; pictures and works of art not kept or offered for sale as merchandise, shall be exempt from assessment and taxation under this act.*

(Ord. of 2-9-25, § 1; Ord. of 5-14-28, § 1; Ord. of 8-26-29, § 1)

State law references: Ad valorem taxation, Miss. Code 1972, §§ 21-33-45 et seq., 27-39-307; local privilege taxes, § 27-17-1 et seq.; regulation of amusements, § 21-19-33; authority to tax to pay bonds, § 21-33-87; for street and cemetery purposes, § 21-33-89.

Sec. 16. Taxes, penalties; tax sales; redemption; disposition of sale proceeds.

The time for assessing and collecting taxes on property and privileges levied pursuant to section 15 hereof shall be those prescribed by the applicable laws of the State of Mississippi in effect at the time of assessment of said taxes.

(Ord. of 11-27-78, recorded in Photostat Book 256, page 159, Secretary of State's office)

Sec. 17. Equalization of taxable property; biennial assessment authorized.

- (a) After each assessment is completed the council shall meet at a time to be fixed by ordinance, and equalize the value of all taxable property in said city, and if any person shall fail or refuse to give his taxable property or privilege said assessor and collector shall value and assess the same according to the best of his knowledge.
- (b) The board of mayor and aldermen of said city, at their election, may provide by ordinance, that the assessment of real estate in said city be made biennially instead of annually, by said act.

(Ord. of 3-15-1886, § 1)

Editor's note: Former § 17.1, change of assessment, was repealed by ordinance enacted Nov. 27, 1978, recorded in Photostat Book 256, page 162, Secretary of State's office.

State law references: Equalization, Miss. Code 1972, § 21-33-29.

Sec. 18.1. Sale of condemned property; redemption; surplus.

Said council shall have power to sell at public sale, on giving twenty days' public notice, any lot or piece of ground, or so much thereof as may be necessary, along which it may have constructed any sidewalk, pavement, curb or gutter, or upon and from which it may fill up or open any pond, drain, cellar, gutter, vault or privy, or abate or remove any nuisance dangerous or prejudicial to the health or property of the inhabitants of said city, upon a default of the owner to construct, fill, open or abate the same on being notified by said council to do so, or to defray or refund to said city on demand, the costs and expenses incurred by said council in such work, and to convey to the purchaser thereof all the right, title and interest of the owner thereof, and to ordain such regulations as it may deem necessary and expedient for making such sale, and for the subsequent redemption of the property so sold; provided, that such owner may at any time within one year redeem any lot or piece of ground so sold and conveyed, by paying or tendering to the purchaser or his heirs or assigns the purchase money and twenty-five per centum per annum thereof; and that on such redemptions such sales shall be void, and said purchaser shall convey the property sold to the owner thereof at the cost of the latter; and, provided further, that the surplus purchase money of any such sale, after being accounted for and paid into the city depository shall be paid to the owner of the property sold.

Sec. 19.1. Conveyance vests title.

All conveyances of real estate sold under this act shall vest in the purchaser thereof, subject to the right of redemption as above provided, a perfect title to the lot or piece of ground so sold, and no such conveyance shall be invalidated in any court of this state, except upon proof that the taxes or the improvement, expenses and costs for which the property was sold were paid before sale.

Sec. 20. Condemnation of private property.

Whenever said council shall deem it necessary to use or take and apply any private property, under the provisions of this act, for streets, roads, alleys, hospitals, burying grounds, landings, wharves, sewerage, waterworks, electric light lines, gas mains, street railways, places of quarantine and buildings required for quarantine or any other public purpose, or whenever said council shall deem it necessary to acquire an easement, user or right-of-way in, under or over any private property for the laying of water, sewer or gas mains or pipes, or any of the purposes above mentioned, they shall endeavor to purchase the said property, or the easement, user or right-of-way in, under or over the same at a reasonable price, and if they cannot agree with the owner thereof, or if the owner or owners be absent or incapable from legal disabilities of making

a sale and conveyance of the land or easement, user or right-of-way wanted, said council may proceed to condemn said land or the use, easement or right-of-way therein under and according to the procedure of the laws of the state of Mississippi in such cases made and provided; provided, however, that nothing in this section shall be so construed as to impede or delay the said council in the use and application of any land which it may need for quarantine purposes, but whenever said council shall deem it necessary, it may immediately take, use and apply such land for the purposes aforesaid, having first caused the land to be viewed by a jury summoned and impaneled as hereinbefore prescribed, and it shall not be necessary after such view, for a lawful application of said land, to wait the issue of any proceedings upon such view, but said council may take, use and occupy said land, as if no disagreement had occurred, and the inquisition of said jury, after confirmation and payment, or tender of the valuation, shall be a bar to all actions for taking and applying or occupying said land, whether the same be instituted before or after such confirmation and payment or tender.

(Ord. of 12-11-05, § 1)

State law references: Eminent domain, Miss. Code 1972, § 21-37-47.

ARTICLE III. MAYOR AND CITY COURT

Sec. 21. Powers, duties of mayor.

The mayor shall be the chief executive officer of the corporation, and it shall be his duty to see that the laws and ordinances thereof shall be strictly enforced; to inspect the conduct of subordinate officers and see that their duties are performed; he shall report from time to time to the council all delinquencies on the part of such officers, and communicate such information and recommend such measures as he may deem beneficial to the health, security, good order and government of the corporation; he shall also have power to fill all vacancies that may occur in the subordinate offices of the city until an election be had under the provisions of this act or the ordinances of said city, and he shall also have power to take and certify under the seal of said corporation, the proof and acknowledgment of deeds and other instruments of writing, conveying or affecting any land or property situated in this state, such proof or acknowledgment to be sufficient for the lawful registration of such deeds in the proper office; he shall also by virtue of his office be a notary public, with the power to make protests, and to do all things appertaining to the office of a notary, and likewise to administer all oaths which a justice of the peace or notary in the county may lawfully administer.

State law references: Mayor to enforce laws, Miss. Code 1972, § 21-15-9.

Sec. 22. City court.

There shall be and is hereby established in and for said city an inferior court, said court to operate under the provisions of Title 21, Section 1, through Title 21, Chapter 23, Section 21 as amended, of the Mississippi Code of 1972.

(Ord. of 2-10-13, § 1; Ord. of 11-27-78, recorded in Photostat Book 256, page 165, Secretary of State's office)

Editor's note: Sections 23 through 30 were repealed by the above-cited ordinance of Nov. 27, 1978.

State law references: Police courts, Miss. Code 1972, § 21-23-1 et seq.

ARTICLE IV. REGISTRATION

Sec. 31. Registration of voters.

The registration of the electors of said city, under this act, shall hereafter be made by the city clerk. The books of registration as heretofore made out by the city board of registration, shall, by such board, be delivered forthwith to said clerk, who shall carefully preserve the same as records of his office, and he shall make poll books therefrom for each of the wards of said city, and the name of each elector shall appear in alphabetical order on the books of the ward in which

he actually resides; and said clerk shall deliver such poll books to the commissioners of election in time for any election to be held under this act; and after each election said poll book shall be returned by said commissioners to said clerk.

State law references: Requirements, Miss. Code 1972, § 21-11-3.

Sec. 32. Oath of electors.

The city clerk shall register in alphabetical order on the registration book of the ward of the residence of such person, anyone entitled to be registered as an elector, and who is not already registered thereon, on his appearing before him and taking and subscribing the following oath or affirmation, viz: "I do solemnly swear (or affirm) in the presence of Almighty God that I am over the age of eighteen years; that I am a resident of Yazoo City, Mississippi, and that I will faithfully support and obey the Constitution and the Laws of the United States and of the State of Mississippi and will bear true faith and allegiance to the same, so help me God." Such oath shall be printed or written at the top of the pages of the registration books, and subscription thereto as aforesaid shall be by the person writing his name or mark in the proper column of said book.

(Ord. of 2-28-77, § 1)

Editor's note: Ordinance enacted on February 28, 1977, is recorded in the office of the Secretary of State.

State law references: Similar provisions, Miss. Code 1972, §§ 21-11-1, 23-5-85.

Sec. 33. Registration to be in ward of residence.

No person shall be registered for any other ward than that in which he resides at the time, and when an elector duly registered in one ward shall change his residence to another ward in said city, he may be registered in the ward to which he has removed by appearing before the city clerk and requesting him to erase his name from the register of election in the ward of his former residence, and to place it on that of his present residence, which said clerk shall do.

Sec. 34. Persons ineligible to register; deletion of names.

No person who has been convicted of bribery, perjury, grand larceny or felony, shall be entitled to be registered, or if registered his name shall be erased by said clerk from the register on which it appears. Whenever any person shall be convicted in any circuit court of any said crimes, or shall have died or removed from said city, said clerk shall thereupon erase the name of such person from the register and poll books. And said clerk shall use all diligence to ascertain the names of all persons convicted of any of said crimes, or who may have died or removed from said city.

Sec. 35. Change of ward boundaries.

Should the boundaries of the wards of said city be changed or new wards established, said clerk shall so change the register of electors and poll books as to conform to such change, so that the names of the electors shall only appear on the register and poll books of the wards in which they reside. But no new wards shall be established nor any change in the ward boundaries be made within one month next before any general election to be held in said city.

Sec. 36. Penalty for fraudulent registration.

Any person who shall knowingly procure his registration as a qualified elector when he is not entitled to be registered as such, or under a false name or as a qualified elector in any other ward than in that of his residence, shall on conviction be imprisoned in the penitentiary for a time not to exceed ten years.

Sec. 37. False entries on registration books.

Any false entry on the books of registration made knowingly, and unauthorized erasure or alteration therein shall be punished as provided for the alteration of any public record kept in any public office by the laws of this state.

Sec. 38. New registration books authorized in certain instances.

When the registration books now in use be filled or destroyed, the council shall procure others suitable for the purpose, to be kept and used as herein directed; and in case of the mutilation of the register of electors, said clerk shall on the order of said council transcribe the names of the electors from the old to a new register; and in case of the destruction of any registration book, said clerk shall, on public notice given, proceed to make a new registration of electors, to supply the place of the lost register.

Sec. 39. Compensation of clerk as registrar.

Said clerk for his services as registrar shall receive a reasonable compensation, to be allowed by said council, not to exceed twenty-five dollars in any one year.

Sec. 40. Revision of registration books.

Within four days next before any election held in said city, said council shall meet and carefully revise the registration books, and the poll books of each ward of said city, and shall erase therefrom the names of all persons improperly registered, or who have died, removed or become disqualified as electors from any cause; and shall register the names of all persons who have duly applied to be registered and have been illegally denied registration. All complaints of a denial of registration shall be made to and decided by said council, who shall make corrections according to the right and justice of the case; and such books shall be prima facie evidence of the names and number of the qualified electors in the said city. And after such revision, and before such next ensuing election, no person shall be entitled to be registered.

State law references: As to purging the rolls, see Miss. Code 1972, § 21-11-13.

ARTICLE V. ELECTIONS*

***Cross references:** See also §§ 3, 3.1 as to elections.

State law references: Provisions governing municipal elections, Miss. Code 1972, §§ 21-11-1 et seq., 23-1-47, 23-1-63, 23-3-71.

Sec. 41. Quadrennial elections, term of office.

A general election for the election of the elected officers of said city shall be held quadrennially on the first Monday of April, beginning with the year A.D. 1978. The term of office of the mayor of Yazoo City, Mississippi, shall be for a period of four (4) years and until his successor is qualified. The mayor elected shall be commissioned by the governor of the state or as by statute may be required.

(Act of 3-6-1886, § 1; Ord. of 2-8-60, § 1; Ord. of 8-6-70, § 1; Ord. of 2-28-77, § 1)

Editor's note: Ord. enacted February 28, 1977, is recorded in the office of the Secretary of State.

Sec. 42. Election commissioners.

On the second Monday of March next, and annually thereafter, the council shall appoint one competent commissioner of election for each of the wards of said city; before acting, the said commissioners shall take oath of office prescribed by section 26, article twelve of the constitution of this state, and file the same in the office of the city clerk for preservation. While engaged in their duties said commissioners shall be conservators of the peace under the general laws of this state; they shall continue in office for one year unless removed, and until their successors are appointed and qualified.

Editor's note: The citation to the constitution is obviously to the constitution existing in 1884, which apparently has no counterpart in the constitution of 1890.

State law references: Commissioners, Miss. Code 1972, § 21-11-13.

Sec. 43. Election inspectors, clerks of election.

Said commissioners shall, prior to any election, appoint a sufficient number of poll workers for each of the polling places in said city; and that said commissioners shall act in conjunction with said poll workers in holding election. All poll workers appointed by said commissioners shall be duly qualified electors of the city.

(Ord. of 4-9-79, § 1)

Sec. 44. Compensation of election officers.

Compensation for said poll workers shall be that specified by state law applicable for county election officers.

(Ord. of 5-12-30, § 1; Ord. of 11-27-78, recorded in Photostat Book 256, page 168, Secretary of State's office)

Sec. 45. Ballot boxes.

Said commissioners shall procure, if not already provided, at the expense of said city a sufficient number of ballot boxes for each polling place in said city, which boxes shall be secured by strong and safe locks, and they shall have such boxes present at the polling places in said city before the hour of opening the polls; and if an adjournment shall take place after opening the polls and before all the votes shall be counted, the boxes shall be securely locked and sealed, so as to prevent the admission of anything into them during the time of adjournment, and the boxes shall be kept by the commissioners, and the keys thereto by the inspectors; and the commissioner having charge of a box shall carefully keep it and shall not unlock or open it himself, nor permit it to be done, nor permit any person to have access to it during the time of such adjournment.

Sec. 46. City clerk to keep ballot boxes.

After each election the ballot boxes and the locks and keys thereto shall be delivered by said commissioners to the city clerk for preservation, and he shall safely keep the same, and when required for the purpose of holding an election he shall deliver them to said commissioners.

Sec. 47. Failure, refusal of commissioners to act.

If said commissioners or either of them should fail or refuse to act, the mayor may at any time before the day of election make another appointment, and if the mayor should fail or refuse to appoint, then the council or a majority thereof may at any time before the polls are opened appoint other commissioners.

Sec. 48. Election officers not to be candidates.

No commissioner, inspector or clerk of any election shall be a candidate for any office created by this act, at any election at which he may act as such, and all votes cast at any election for any such person shall be illegal and shall not be counted.

Sec. 49. Elections to be fair and legal; oath of elector.

Said commissioners and inspectors shall take care that the election is conducted fairly and legally, and they shall be the judges of the qualifications of electors and may examine on oath any person offering to vote, touching his qualifications as an elector, which oath either of them may administer.

Sec. 50. Oath of election officers.

Said inspectors and clerks, before entering upon the discharge of their duties, shall take an oath before some officer competent to administer oaths under the laws of this state, faithfully to perform their duties at such elections according to law.

Sec. 51. Conduct of elections; operation of polls.

All elections under this act shall be by ballot or election machine. The polls shall be opened at 7:00 o'clock in the morning and kept open until 6:00 o'clock in the evening, and the manner of voting, receiving and counting the votes and the character of the ballots to be cast in any election shall conform in all respects to the requirements of the Mississippi Code of 1972 or any supplemental legislation.

(Ord. of 4-9-79, recorded in Photostat Book 256, page 171, Secretary of State's office)

Sec. 52. Results of elections.

Immediately after the polls are closed the commissioners and inspectors shall proceed to count out the votes, ascertain and declare the result, and make written report thereof to the council, and certified by them to be true and correct, which report shall within five days after such election, be recorded on the minutes of said council, and shall be evidence of the result thereof. And in case any two or more candidates for any one office shall receive an equal number of votes, the election shall be decided by lot, fairly and publicly drawn, by the commissioners of election with the aid of two or more respectable freeholders of the city, and a certificate of election shall be given accordingly by said commissioners.

Sec. 53. Qualifications of electors.

Qualified electors of the State of Mississippi, who are residents of the city and who have duly registered for the ward in which they offer to vote, shall be deemed qualified electors in said ward, but no person shall vote in any election in said city who has been convicted of any crime or misdemeanor for which the loss of right of suffrage may be imposed by law.

(Ord. of 2-28-77, § 1)

Editor's note: Ordinance enacted February 28, 1977, is recorded in the office of the Secretary of State.

Sec. 54. Contesting election results.

Any person desiring to contest the election of any person returned as elected to any office in said city under this act, may do so by petition to said council, setting out therein the grounds on which such contest is proposed to be made, and the council shall thereupon proceed to investigate the validity of such election according to section ten of this act; provided, that either party may within five days appeal from the judgment or decision of said council to the circuit court of Yazoo County, upon entering into bond in the sum of two hundred fifty dollars, payable to the opposite party, conditioned as bonds are required to be conditioned in appeals from justices of the peace to the circuit court.

Sec. 55. Conducting special elections.

When a vacancy shall occur in any elective office in said city, or a special election for any purpose is ordered to be held therein, the council shall order the commissioners of election to hold an election on a day and for the purpose to be specified in such order, and said commissioners shall give at least six days' public notice of such election, and shall conduct the same and return the results as required by this act in regard to general elections.

Sec. 56. Preservation of peace and order at the polls.

The mayor of said city shall, on the request of the commissioners of election, appoint a sufficient police force to keep the peace and preserve order at the polls during any general or special election in said city under this act.

Sec. 57. Elections at other than the time appointed.

In case there shall not at any time be an election or that all or any of the officers required to be elected shall not be elected at the time appointed, said commissioners shall, on six days' public notice, hold another election for the election of such officers or such of them as shall remain to be elected, and make certified return of the result of election as hereinbefore provided.

ARTICLE VI. CITY PUBLIC SCHOOLS

Sec. 58. Separate public school district constituted.

Said corporation is hereby constituted a separate public school district, and the present trustees of public schools therein and their successors in office are hereby created a body politic, under the name of the "Board of Trustees of Public Schools of Yazoo City," with full power to sue and be sued, to purchase, acquire and hold for and in the name of said city, all necessary real and

personal property for school purposes within said district. They may have a common seal, and shall hold their office until the second Monday in August next, and until their successors are qualified, and shall take the oath of office prescribed for other officers under this act, and shall have the same, together with the certificate of their election, entered on their minutes.

State law references: Reconstituting of municipal school districts, Miss. Code 1972, § 37-7-5.

Sec. 59. Organization of board of public school trustees.

The present trustees and their successors in office shall constitute a board of public school trustees for said city. They shall elect one of their number president, and the city clerk shall be ex officio clerk of said board, and keep full and true minutes of its proceedings, and perform such other duties as may be required by said board, and shall receive for his services such compensation, payable out of the city school fund, as said board may determine and show. Said board may meet as often as necessary for the transaction of business, and may adopt by-laws to regulate their proceedings, and rules for the government of said schools.

Sec. 60. Powers, duties of board of public school trustees; seal, records of board.

Said board shall have full supervision and control of the public schools, school funds and school property of said city, and shall elect all principals and teachers of such schools, prescribe their duties, fix their salaries, term of their employment and the time of commencement and the length of each session of said schools; provided, the term thereof shall not be less than nine months in each scholastic year; and shall make all proper allowances for the payment of principals, teachers and other necessary expenses of said schools, and for books and stationery for the use of said board and the salary of said clerk, which shall be paid out of the school fund of said city on warrant drawn on the city treasurer, signed by the superintendent of the Yazoo City municipal separate school district, acting as special accounting officer and treasurer serving for the city clerk with respect to any and all municipal separate school district funds, countersigned by the president and impressed with the seal of said board. Said superintendent of the Yazoo City municipal separate school district shall be the custodian of said seal and the records and papers of the board, in his capacity acting as special accounting officer and treasurer, serving for the city clerk with respect to any and all municipal separate school district's funds.

(Ord. of 10-10-83)

Sec. 61. Estimate for school support; school tax limit.

Said board of trustees shall on the second Monday of September of each year, or as soon thereafter as possible, make an estimate of the amount of money required to be raised by direct tax, in addition to funds derived from other sources to support said schools, for a term not less than nine months of the current scholastic year, and shall certify such estimate to the city council, which shall thereupon make a tax levy on the taxable property in said city equal to the amount required by such estimate and shall direct the city tax collector to collect such tax in the same manner and at the time prescribed for the collection of annual city taxes, and to pay the same into the city depository to the credit of the public school fund of said city; provided such annual school tax shall not in any scholastic year exceed twenty-five mills on the dollar of the value of the taxable property in said city.

(Act of 3-3-1888, § 1; Ord. of 3-30-21; Ord. of 5-12-39; Ord. of 11-11-40; Ord. of 3-27-44; Ord. of 4-8-46; Ord. of 3-10-47; Ord. of 8-23-54; Ord. of 6-22-59, § 1; Ord. of 4-23-62, § 1; Ord. of 7-12-65, § 1; Ord. of 7-22-68, § 1)

Editor's note: Ord. enacted on July 22, 1968, is recorded in Photostat Book 170, page 224, in the office of the Secretary of State.

Sec. 62. Election of board of public school trustees.

The board of trustees of the municipal separate school district shall consist of five members, each to be chosen for a term of five years, but so chosen that the term of office of one member shall expire each year. In order to transform the board terms from a staggered three year system to said five year staggered system, the following interim terms are established. The term which expires June, 1976, and which has not been filled by subsequent appointment, shall be filled by the election by the city council of a trustee to serve for a term of five years from June, 1976. The terms expiring in June, 1977, shall be filled by election by the city council of one trustee for a two year term and one trustee for a three year term. The terms expiring in June, 1978, shall be filled by election by the city council of one trustee for a four year term and one trustee for a five year term. All subsequent terms to those described above, shall be for a five year period.

Said city council shall elect trustees to the school board on the second Monday of April, and such trustee shall qualify and be instituted into office on the first Monday of June following. Vacancies shall be filled by election by the city council for the unexpired remainder of such term.

A majority of said trustees shall form a quorum.

(Act of 3-3-1888, § 2; Ord. of 4-25-77, § 1)

State law references: See Miss. Code 1972, § 37-7-203.

Sec. 63. Pupils not residing in district; personnel; curriculum.

Said board of trustees may admit into the public schools of said city pupils not residing in said separate school district on such terms as they may prescribe, and may discharge any principal, teacher or other employee at any time for cause satisfactory to them; and may grade said schools, adopt a course of studies therein and a uniform series of books therefor, which series when adopted shall not be changed within five years after such adoption.

Sec. 64. Monthly reports required; liability for unauthorized disbursements.

From and after the second Monday of April next said board shall make monthly reports to the city council, certified and signed by the president and the superintendent of the Yazoo City municipal separate school district, acting as special accounting officer and treasurer serving for the city clerk with respect to any and all municipal separate school district funds, showing the amount of school funds received and disbursed by said board, and for and on what account disbursed; and for any disbursement made by said board not authorized by this act, the members thereof shall be personally, jointly and severally liable, to be recovered by suit brought by said council in the name of said city or by any taxpayer therein who will sue for the use of said city and who shall be liable for the cost in such case.

(Ord. of 10-10-83)

Sec. 65. Scholastic year; county superintendent of education.

The scholastic year of said separate school district shall commence on the first day of July of this and each succeeding year and end on the last day of June following; and otherwise than in this charter provided nothing herein shall be construed to interfere with the jurisdiction and powers of the county superintendent of education over said schools, as provided by law.

(Act of 3-3-1888, § 3)

ARTICLE VII. MISCELLANEOUS

Sec. 66. Borrowing money; purposes, bond requirements; approval by taxpayers.

- (a) The said city, for the purpose of raising money for the erection of municipal and school buildings, and the purchase of such buildings or land therefor, and the improvement and adornment thereof; for the erection or purchase of waterworks, gas, electric and other plants; the establishment of sewerage system; a street railway; the protection of the municipality from overflow, from caving banks and other like dangers; improving or paving streets; and for the liquidation of existing debts of the municipality; and for the erection of a bridge across the Yazoo River, within or without the corporate limits of said city, and for

the purposes of buying right-of-way through its limits, and sufficient grounds for ordinary depot purposes for any railroad company which will build its lines through said city according to the requirements of section 187 of the Constitution of Mississippi, may issue interest-bearing bonds or warrants therefor.

(Ord. of 11-15-01, § 1; Ord. of 6-24-12, § 1; Ord. of 7-22-12, § 1)

(b) Reserved. (Repealed by Ord. dated Nov. 27, 1978, recorded in Photostat Book 256, page 179, Secretary of State's office.)

(c) Before providing for the issuance of any bonds, the board shall publish notice of the proposal to issue the same in a newspaper published in the municipality, for three weeks next preceding, and if within that time twenty per centum of the adult taxpayers of the municipality shall petition against the issuance of the bonds, then the bonds shall not be issued, unless authorized by a majority of the electors voting in an election to be ordered for that purpose. All the expenses of preparing the bonds, publishing notices and holding such elections shall be paid out of the city treasury.

(Ord. of 11-15-01, § 3)

(d) The board of mayor and aldermen, if it elect, may issue bonds, making a part of them mature annually, and running through a series of not more than twenty years from their issuance. All the interest in such case, and a part of the principal, to be fixed by the board at the time the bonds are issued, shall be payable annually, and the bonds shall be issued accordingly, in which case a part of the principal shall not be called in and paid by the board until maturity of the bonds.

(Ord. of 9-8-02, § 1)

State law references: Provisions governing special improvements, Miss. Code 1972, § 21-41-1 et seq.; governing bonds and finance, § 21-33-301 et seq.; authority to tax to pay bonds, § 21-33-87.

Sec. 67. Causes in which city is a party.

In all causes before any court of law or equity in this state in which said city may be a party, it shall be no objection to the competency of a witness or juror, that he is an inhabitant of said city or an owner of taxable property therein.

Sec. 68. Support of poor, exemption from road or patrol duty.

The expense of supporting the poor within said city shall be a general county charge; and the inhabitants of said city are hereby exempted from working upon any road or performing patrol duty beyond the limits of said city.

Sec. 69. "Public notice" defined.

Public notice under any of the provisions of this act is hereby defined to be notice by one insertion in a public newspaper of said city, or printed handbills posted in twenty or more of the most public places thereof.

Sec. 70. Eligibility to office; restrictions upon officers.

No person shall be eligible to any office under this act who is not a qualified elector of said city unless he shall have actually resided therein for twelve months next preceding his election or appointment, and shall be free of all indebtedness of every kind to said city; nor shall any officer of said city be interested directly or otherwise in any job, contract or work, let, made or authorized by said city during the period for which he shall have been elected or appointed; nor shall he during his term of office become surety on any bond or other obligation payable to said city, nor hold or possess any other office or employment in said city under this act.

Sec. 71. Disposition of receipts, expenditures; reports required.

All indebtedness to said city, and all taxes, fines, penalties and forfeitures collected by the mayor or other officers thereof shall belong to said city, and shall be paid without delay into the depository for the use of said city; and the mayor and all other officers of said city shall, once in

each month, report in writing under oath to said council at its regular meeting all moneys collected by them, respectively, for or on account of said city; and the treasurer shall likewise, once in each month, report to said council the amounts of money received and disbursed by him; and these reports shall be in such form, embrace such details and be made under such penalties as may be prescribed by ordinance, and shall when approved, be entered on the minutes of the council.

Sec. 72. Allowance of claims; disbursements.

No claim or demand of any kind against said city shall be paid in whole or in part unless the same is first credited and allowed by said council; and no money of said city shall be disbursed out by the treasurer thereof, and by him only on a warrant issued by order of said council, signed by the clerk thereof and countersigned by the mayor, and impressed with the seal of said city, which warrants shall be regularly dated, numbered and registered by the clerk, shall specify the amount and for and on what account issued, and the name of the payee thereof, and shall bear no interest; provided, that nothing in this section contained shall prevent said treasurer from paying any warrant or bond lawfully issued, according to sections 60 and 66 of this act.

State law references: Docket of claims to be kept, 1942 Miss. Code 1972, § 21-39-7; other records, § 21-15-19; clerk to draw warrants, § 21-39-13.

Sec. 73. Reserved.

(Repealed by Ord. dated Nov. 27, 1978, recorded in Photostat Book 256, page 182, Secretary of State's office.)

Sec. 74. Effect on prior ordinances, acts, claims, property.

All ordinances, orders and resolutions now in force in said city shall remain in full force until modified or repealed under this act, and all suits, actions or prosecutions commenced by the corporation hereby created, shall be commenced and prosecuted in the name of Yazoo City; and all actions, fines, penalties and forfeitures which have heretofore accrued to said city shall be vested in and be prosecuted by the corporation hereby created; and all taxes, dues and assessments which have heretofore accrued to said city, and the right to demand, receive and collect the same, shall not be affected or impaired in any wise by the passage of this act, but shall be vested in and be enforceable by action or suit in the city court or in any court of competent jurisdiction, by the corporation hereby created; and all property, real, personal or mixed, and all rights and claims heretofore belonging to said city, shall be and the same are hereby vested in the corporation hereby created; and all contracts, debts and charges now subsisting against said city, shall be and remain in force against the corporation hereby created.

Sec. 75. Incumbents to serve until successors are elected and qualified.

The mayor and aldermen of said city, the assessor and collector and treasurer and the other subordinate officers thereof, in office at the time of the passage of this act, shall remain in office until their successors are duly elected and qualified under this act, with all the rights, powers, duties and liabilities devolved on them by this act.

Sec. 76. Reserved.

(Repealed by Ord. dated Nov. 27, 1978, recorded in Photostat Book 256, page 185, Secretary of State's office.)

CHARTER APPENDIX

Acts and Resolutions Relating to the Charter

Act of January 22, 1873--Authorized construction of a bridge across the Yazoo River at Yazoo City.

Act of March 18, 1886--Amends Act of January 22, 1873 to authorize collection of tolls and transfer control of the bridge to the county.

Act of February 17, 1890--Appropriates moneys for erection of a public school building, and authorizes bond issue for the same purpose.

Resolution of August 8, 1892--Election to retain charter.

Resolved, By the board of mayor and aldermen of Yazoo City, Mississippi, in council convened, in regular meeting, on Monday, the 8th day of August, 1892:

That the corporation of Yazoo City do not elect to come under the provisions of the chapter of the annotated code of 1892, styled "Municipalities," but that it do continue to be governed by its existing charter and all amendments thereto.

That these resolutions be spread upon the minutes of the council, and a certified copy thereof attested by the mayor, under seal of Yazoo City, and the clerk of the board, be sent to the secretary of state at Jackson, Mississippi.

Act of March 6, 1900--Authorizes deed of gift from the city and from the trustees of the public schools, of a certain lot of ground to the library association.

CHARTER COMPARATIVE TABLE

ACTS

This table shows the location of the sections of the basic Charter and the special acts amending the Charter.

TABLE INSET:

Date	Section	Disposition
3-15-1884	1--76	1--76
3-6-1886	1	41
3-3-1888	1	61
	2	62
	3	65

CHARTER COMPARATIVE TABLE ORDINANCES

This table shows the location of ordinances amending the Charter.

TABLE INSET:

Date	Section	Disposition
3-15-1886	1	17
6-13-1898	1	1
	2	2
11-15-01	1--3	14
11-15-01	1--3	66(a)--(c)
9- 8-02	1	14
9- 8-02	1	66(d)
12-11-05	1	20
3-12-06	1	12
4- 8-07	1--3	1
8-12-07	1	14
1-13-08	1--3	1

1-13-08	1	9
10-12-08	1--5	14.1
10-12-08	2	29
6-24-12	1	14
6-24-12	1	66(a)
7-22-12	1	14
7-22-12	1	66(a)
2-10-13	1	22--28
9-18-19	1	3
	3	3.2
	4	3.1
10-13-19	1	3.1
10-13-19	1	17.1
3-30-21		61
7-15-24	1	14
2- 9-25	1	15
5-14-28	1	15
8-26-29	1	3
8-26-29	1	15
5-12-30	1	14
5-12-30	1	44
5-12-30	1	73
5-12-39		61
4-22-40	1	12
11-11-40		61
3-27-44		61
4- 8-46		61
3-10-47		61
6-27-49	1	12
6-12-50	2	11
10-23-50	1	14
10- 8-51	1	3

3- 8-54	1	25
8-23-54	1	7
8-23-54		61
3-24-58		12
6-22-59	1	61
2- 8-60	1	41
7-10-61	2, 5	1
4-23-62	1	61
9-12-62		12
9-30-63	1	12
7-12-65	1	61
7-11-66		1
7-22-68	1	61
7-13-70	1	3
	2	3.1
	3	4
8- 4-70	1	7
8- 6-70	1	3.1
8- 6-70	1	41
11-23-70		1
6-12-72	2	1
4-25-77	1	62
4- 9-79	1	43
11-27-78		14(22), (32)
4- 9-79	1	43
4- 9-79	1	51
6-11-79	2	1
8-13-79	2	1
10-30-80	1	14(32)
8-24-81	2	1
10-10-83		60
10-10-83		64

10-22-84	2	1
2-13-95	2, 5	1
11-13-95	2, 5	1
1-10-2000		1
1-24-2000		1
3-27-2000		1
3-27-2000	1, 2	1
8-23-2004	2	1

PART II CODE OF ORDINANCES

Chapter 1 GENERAL PROVISIONS

[Sec. 1-1. How Code designated and cited.](#)

[Sec. 1-2. Rules of construction.](#)

[Sec. 1-3. Catchlines of sections.](#)

[Sec. 1-4. Effect of repeal of ordinances.](#)

[Sec. 1-5. Severability of parts of Code.](#)

[Sec. 1-6. Amending and supplementing Code.](#)

[Sec. 1-7. Altering Code.](#)

[Sec. 1-8. General penalty; continuing violations.](#)

[Sec. 1-9. Dismissal of municipal officer for violating Code.](#)

[Sec. 1-10. Territory outside, or formerly outside, of city in separate school district.](#)

Sec. 1-1. How Code designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated "The Code of Ordinances, City of Yazoo City, Mississippi," and may be so cited.

State law references: For authority to revise, codify and publish ordinances, see Miss. Code 1972, § 21-13-15.

Sec. 1-2. Rules of construction.

In the construction of this Code, and of all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the governing body:

Board, board of mayor and aldermen, council, city council, governing body, governing authority: Such terms shall mean the board of mayor and aldermen of the City of Yazoo City.

City. The words "the city" or "this city" shall be construed as if the words "of Yazoo City, Mississippi" followed them.

Computation of time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the computation of time specified in such notice or order to do an act shall be governed by the laws of the state.

State law references: For computation of time under state law, see Miss. Code 1972, §§ 1-3-67, 1-3-69.

Corporate limits, corporation limits, city limits. The words "corporate limits," "corporation limits," or "city limits" shall mean the legal boundary of the City of Yazoo City.

County. The words "the county" or "this county" shall mean the Yazoo County, Mississippi.

Delegation of authority. Whenever a provision appears requiring or authorizing the head of a department or agency of the city to do some act or make certain inspections, it shall be construed as authorizing the head of the department or agency to designate, delegate and authorize

subordinates to perform the act or make the inspection unless the terms of the provision or section designate otherwise.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

Interpretation. In the interpretation and application of any provision of this Code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than the general provision imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

Keeper, proprietor. The words "keeper" or "proprietor" shall mean persons, firms, associations, corporations, clubs and partnerships, whether acting by themselves or through a servant, agent or employee.

Law. The term "law" shall include any provision of the Constitution of the United States, or the State of Mississippi, and any statute of the United States or the State of Mississippi, and any ordinance, resolution or order of the governing body of the city.

Month. The word "month" shall mean a calendar month.

Name of officer. Whenever the name or title of an officer or official is given it shall be construed as though the words "of the City of Yazoo City" followed it, and shall include his duly authorized deputies and assistants.

Nontechnical and technical words. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Number. Words used in the singular number only, either as descriptive of persons or things, shall extend to and embrace the plural number; and words used in the plural number shall extend to and embrace the singular number.

Oath. The word "oath" shall include the word "affirmation" in all cases where by law an affirmation may be substituted for an oath.

Or, and. "Or" may be read "and," and "and" may be read "or" if the sense requires it.

Owner. Whenever the word "owner" is applied to a building or land, it shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.

Person. The word "person" shall include, mean and be applied to any natural individual, firm, partnership, association, joint stock company, joint adventure, public or private corporation, or to a receiver, executor, trustee, conservator or other representative appointed by order of any court or in any other manner.

Personal property. The term "personal property" shall include goods, chattels, effects, evidences of rights of action, and all written instruments by which any pecuniary obligation or any right, title or interest in any real or personal estate shall be created, acknowledged, transferred, incurred, defeated, discharged or diminished.

Preceding, following. The words "preceding" and "following" shall mean next before and next after, respectively.

Premises. The word "premises" shall mean place or places.

Property. The term "property" includes personal property as defined herein and also every estate, interest or right in lands, tenements and hereditaments.

Real property. The term "real property" shall include every estate, interest or right, in lands, tenements, and hereditaments.

Residence. The word "residence" shall mean the place adopted by a person as his place of habitation, and to which, whenever he is absent, he has the intention of returning. When a person eats at one place and sleeps at another, the place where such person sleeps shall be deemed his residence.

Sidewalk. The word "sidewalk" shall mean any portion of a street between the curblin, or the lateral lines of a roadway, and the adjacent property line, intended for the use of pedestrians, excluding parkways.

Signature or subscription. The "signature" or "subscription" of a person includes a mark when the person cannot write.

State. The words "the state" or "this state" shall mean the State of Mississippi.

Street. The word "street" shall mean any street, avenue, boulevard, road, alley, lane, viaduct or other public highway in the city.

Sworn. The term "sworn" shall include the word "affirmed," in all cases where by law an affirmation may be substituted for an oath.

Tenant, occupant. The words "tenant" or "occupant," applied to a building or land, shall include any person holding a written or oral lease of, or who occupies the whole or a part of, such building or land, either alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and present.

Week. The word "week" shall mean seven days.

Written, in writing may include printing, engraving, lithographing or any other representation of words, letters or figures; except that in all cases where the signature of any person is required, it shall always be the proper handwriting or mark of such person.

Year. The word "year" shall mean a calendar year.

Sec. 1-3. Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections including the catchlines, are amended or reenacted.

Sec. 1-4. Effect of repeal of ordinances.

The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

Sec. 1-5. Severability of parts of Code.

It is hereby declared to be the intention of the governing body that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

Sec. 1-6. Amending and supplementing Code.

- (a) All ordinances passed subsequent to this Code of Ordinances which amend, repeal or in any way affect this Code of Ordinances, may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repeal of chapters, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby.
- (b) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the governing body. A supplement to the Code shall include all substantive, permanent and general parts of ordinances passed by the governing body or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code, and shall also include all amendments to the charter during the period. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement. In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

Sec. 1-7. Altering Code.

It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever, which will cause the law of the city to be misrepresented thereby. Any person, firm or corporation violating this section shall be punished as provided in section 1-8 hereof.

Sec. 1-8. General penalty; continuing violations.

Whenever in this Code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be punished as a misdemeanor under the laws of the State of Mississippi, and the maximum penalty shall be those set forth in Section 21-13-19 of the Mississippi Code of 1972, as amended. Each day any violation of any provision of this Code or of any ordinance shall continue shall constitute a separate offense.

In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code or any ordinance shall be deemed a public nuisance and may be abated by the city, as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.

(Ord. of 9-28-70; Ord. of 8-8-88, § 1)

Charter references: For authority to impose penalty and imprisonment, see §§ 14(30), 23.

State law references: Maximum punishment which may be imposed by a municipality, Miss. Code 1972, § 21-13-1; state misdemeanors constitute ordinance violation, § 21-13-19.

Sec. 1-9. Dismissal of municipal officer for violating Code.

Any officer of the city violating or offending against any of the provisions of this Code, on conviction, may, in addition to any penalty imposed, be dismissed from office for malfeasance therein, by the governing body.

(Code 1962, § 2-6)

Sec. 1-10. Territory outside, or formerly outside, of city in separate school district.

The following territory which has previously been included in the separate school district of Yazoo City, on the petition of a majority of the resident freeholders of the territory hereinafter mentioned, shall continue to be included in said separate school district as heretofore: The N 1/2 of the NE 1/4 of Section 5, Township 12 North, Range 2 West, and all that part of the NW 1/4 of Section 4, Township 12 North, Range 2 West of the Mary V. Murphy addition to Yazoo City, as shown on the plat thereof, in the town plat book No. 1, page 1, in the office of the chancery clerk of Yazoo County, Mississippi, said territory lying to the south of and adjoining this municipality. (Code 1962, § 2-7)

Chapter 2 ADMINISTRATION*

***Cross references: For provisions regarding appointive city officers and employees generally, see Ch. 16.**

Article I. In General

[Sec. 2-1. Adoption of corporate seal.](#)

[Sec. 2-2. Open meetings.](#)

[Sec. 2-3. Mayor--To devote entire time to office.](#)

[Sec. 2-4. Same--Duties and powers generally.](#)

[Sec. 2-5. Same--Powers enumerated.](#)

[Sec. 2-6. Same--To provide for needy persons.](#)

[Sec. 2-7. Same--Standing committees; performance of duties.](#)

[Sec. 2-8. Same--Salary.](#)

[Sec. 2-9. Salary of aldermen.](#)

[Sec. 2-10. City attorney; appointment, term, salary, duties.](#)

Secs. 2-11--2-19. Reserved.

Article II. Meetings of the Governing Body

[Sec. 2-20. Location of meeting place.](#)

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[Sec. 2-29. Members not to be interested in contracts.](#)

[Sec. 2-30. Full board required for appointments.](#)

ARTICLE I. IN GENERAL

Sec. 2-1. Adoption of corporate seal.

A seal having engraved upon it the words "Seal of Yazoo City, Mississippi," in circular form, and the vignette of an eagle in the center of the circle, shall be and the same as hereby constituted and adopted as the corporate seal of the city; and the same shall be safely kept by the city clerk in such clerk's office, and there to be used according to law.

(Code 1962, § 2-1)

Charter references: Authority to have corporate seal, § 2; impressing warrants with seal, § 72.

State law references: Seal required, clerk to be custodian, Miss. Code 1972, § 21-15-17.

Sec. 2-2. Open meetings.

- (a) The governing body and all boards, agencies and departments of the city shall conduct their business in open and public sessions fully accessible to the general public. None of the public business of the city or any of its boards, agencies or departments may be conducted in secret session or behind closed doors, but properly convened executive

session may be used as hereinafter set out. Such executive session may be ordered upon motion for such executive session, adopted on good cause shown, that the discussion or deliberation would be prejudicial to the personalities appertaining to such business, or would be prejudicial to the accomplishment of the end under such deliberation or discussion. No final action may be taken in executive session, and all votes on any measure pending before the deliberative body shall be made in open session.

- (b) In the event the regular meeting place of such board, agency or department shall prove to be inadequate space for the conduct of such meetings, upon application to the mayor, and co-ordination by him, any other available facility of the city may be utilized for said meeting.

(Ord. of 10-28-74)

State law references: Open meetings required, Miss. Code 1972, § 25-41-1 et seq.

Sec. 2-3. Mayor--To devote entire time to office.

The mayor shall devote his entire time to the duties of his office, and shall not pursue any other business, profession or calling.

(Code 1962, § 2-23)

Sec. 2-4. Same--Duties and powers generally.

The mayor shall make known to the governing body the wants and necessities of the city from time to time, recommending such action and the adoption of such measures as the welfare of the city may demand. He shall supervise all the officers of the city and shall see that all laws, ordinances, and resolutions are enforced. He shall suspend all delinquent officers or agents of the city government, and report his action, and the cause thereof, to the governing body at its next meeting. In case of the suspension or removal of any officer or agent of the city, the mayor is authorized to employ a substitute to act until the next ensuing meeting of the governing body, and such substitute shall be entitled pro rata to the salary and to the fees and emoluments of the office of the suspended officer during his encumbency.

(Code 1962, § 2-24)

Charter references: Powers and duties of mayor, § 21.

Cross references: Appointments by full membership of governing body, § 2-30.

State law references: Duties and powers of mayor generally, Miss. Code 1972, § 21-15-7 et seq.; power to remit fines and the like, § 21-15-15.

Sec. 2-5. Same--Powers enumerated.

- (a) *Special meetings. The mayor shall have power to call a special meeting of the governing body whenever, in his opinion, the interests of the city may require it.*
- (b) *Contracts with the city. He shall cause all contracts with the city, in any amount over \$100.00, to be made in writing and executed by the contractors and their sureties in a bond payable to said city, and shall approve the same, if, in his judgment, the bond is in proper penalty and form and the sureties solvent. All such bonds so approved by him shall be attested by the city clerk and filed with him for preservation.*
- (c) *To sign all warrants. It shall be the duty of the mayor to sign all warrants drawn on the city treasury for all accounts and claims against the city which have been presented for payment and allowed in accordance with the ordinances and rules of the governing body.*
- (d) *Purchases. For the purchase of any article for the city, when it is desirable or necessary to pay for the same in cash, the sum of \$100.00 per month is hereby appropriated, to be disbursed by warrant, on the request of the mayor, certifying that the necessity exists and the purpose for which the expenditure is to be made.*

(Code 1962, § 2-25)

Cross references: Purchase procedure, § 10-4.

Sec. 2-6. Same--To provide for needy persons.

The mayor shall be allowed to provide for any needy stranger applying for help where the case, in his judgment, is worthy of help, but this power is to be exercised with the greatest care and caution.

(Code 1962, § 2-27)

Sec. 2-7. Same--Standing committees; performance of duties.

The duties formerly imposed by the ordinances of the city upon standing committees of the governing body shall be performed by the mayor or such other person as the governing body may direct.

(Code 1962, § 2-28)

Sec. 2-8. Same--Salary.

Beginning with the first full pay period in November 2005, the compensation of the mayor shall be \$5,642.00 per month, and shall be made payable bi-weekly.

(Ord. No. 9-26-77, § 1; Ord. of 9-29-80, § 1; Ord. of 9-28-81, § 1; Ord. of 9-26-83, § 1; Ord. of 9-24-84(1), § 1; Ord. of 9-9-85, § 1; Ord. of 9-12-88, § 1; Ord. of 7-13-92, § 1; Ord. of 9-14-92, § 1; Ord. of 4-25-94, § 1; Ord. of 9-12-94, § 1; Ord. of 9-11-95, § 1; Ord. of 9-9-96, § 1; Ord. of 10-27-97, § 1; Ord. of 9-14-98, § 1; Ord. of 10-25-99, § 1; Ord. of 10-27-2003(1); Ord. of 9-13-2004(1); Ord. of 10-24-2005(1))

Sec. 2-9. Salary of aldermen.

Beginning with the first full pay period in November 2005, the compensation of the Aldermen of the City of Yazoo City, Mississippi, shall be and is hereby fixed at \$1,513.00 per month, and shall be payable bi-weekly.

(Ord. of 9-26-77, § 1; Ord. of 9-29-80, § 1; Ord. of 9-28-81, § 1; Ord. of 9-26-83, § 1; Ord. of 9-9-85, § 1; Ord. of 9-14-92, § 1; Ord. of 4-25-94, § 1; Ord. of 9-12-94, § 1; Ord. of 9-11-95, § 1; Ord. of 9-9-96, § 1; Ord. of 10-27-97, § 1; Ord. of 9-14-98, § 1; Ord. of 10-25-99, § 1; Ord. of 10-27-2003(2); Ord. of 9-13-2004(2); Ord. of 10-24-2005(2))

Sec. 2-10. City attorney; appointment, term, salary, duties.

The city attorney shall be appointed by the governing body on the second Monday in April each year and shall serve until his successor is appointed. He shall receive a salary of \$1,050.00 per month, beginning November 1, 2005, [payable monthly]. He shall attend all regular and special meetings of the governing body and advise the governing body on all cases, civil and criminal.

(Code 1962, §§ 2-53, 2-54; Ord. of 9-25-78, §§ 1, 2; Ord. of 10-27-2003(3); Ord. of 9-13-2004(3); Ord. of 10-24-2005(3))

State law references: Authority to appoint, Miss. Code 1972, § 21-15-25.

Secs. 2-11--2-19. Reserved.

ARTICLE II. MEETINGS OF THE GOVERNING BODY*

***Cross references: Open meetings required, § 2-2.**

Sec. 2-20. Location of meeting place.

The council chamber of the governing body, for all purposes thereof and for the holding of its regular, adjourned and special meetings, shall be the courtroom of the city police station courtroom, unless the mayor and board of aldermen of the city shall, for good cause, adopt a resolution designating an alternate council chamber. The above-stated meeting place shall become the regular meeting place on October 14, 1996, and be the official meeting place thereafter.

(Code 1962, § 2-16; Ord. of 10-19-64, § 1; Ord. of 11-5-65, § 1; Ord. of 5-28-90, § 1; Ord. of 8-26-96)

Sec. 2-21. Time of regular meetings; calling special meetings.

There shall be held by the governing body such regular meetings as are provided for in the charter and also a regular meeting in the council chamber on the second and fourth Mondays in each month, at 2:00 p.m. Special meetings may be held at the discretion of the mayor, or on call of two members of the governing body.

(Code 1962, § 2-17; Ord. of 6-18-74, § 1)

Charter references: Authority to prescribe, § 7.

Sec. 2-22. Call to order; reading and approval of minutes.

At the appointed hour of the meeting of the governing body, a quorum being present, the mayor shall take the chair and call the board to order; the minutes of the previous meetings shall be read, and, if approved by the governing body shall be signed by the mayor in open meeting.

(Code 1962, § 2-19(a))

Sec. 2-23. Order of business.

The following order shall be observed in the transaction of business, after reading of the minutes:

- (1) Hearing of complaints and appeals, at which time any citizen shall be allowed reasonable time to present any matter of public or private interest.
- (2) Message of the mayor, and report of all officers.
- (3) Allowance of claims and accounts.
- (4) Report of special committees.
- (5) Report of standing committees.
- (6) Presenting petitions.
- (7) Unfinished business.
- (8) New business.

(Code 1962, § 2-19(b))

Sec. 2-24. Deciding point of order.

When a member shall be called to order by the chair or a member of the governing body, he shall take his seat, and all questions of order shall be decided by the chair.

(Code 1962, § 2-19(c))

Sec. 2-25. Minutes to be published.

A summary of the minutes of all regular and special meetings of the governing body shall be published as soon as practicable after meetings.

(Code 1962, § 2-20)

Charter references: Synopsis of minutes to be published, § 73.

Sec. 2-26. Rising and addressing the chair by members.

Every member, when he speaks, shall rise to his feet and address the chair; when two or more members rise at the same time, the chair may designate the one to speak.

(Code 1962, § 2-17; Ord. of 6-18-74, § 1)

Sec. 2-27. Attending meetings of governing body by certain officials.

The marshal, chief of fire department, street commissioner, tax assessor, building inspector, manager of city electric, water and sewer utilities, and director of park and playground commission shall attend all regular meetings of the governing body, and shall make written reports of all their acts required to be reported thereto when requested.

(Code 1962, § 2-18; Ord. of 8-26-63, § 1; Ord. of 6-11-73)

Sec. 2-28. Manner of presentation, allowance of claims.

In all orders allowing claims, the clerk shall recite the amount demanded by the claimant

as well as the amount allowed, in cases where the amounts differ.
(Code 1962, § 2-21)

Charter references: Liability of board member for unauthorized appropriation, § 14(31); procedure for allowance, payment of claims, § 72.

Cross references: Prerequisites to payment of claims, § 10-4.

State law references: Disposition of claims, Miss. Code 1972, § 21-39-9.

Sec. 2-29. Members not to be interested in contracts.

It shall be unlawful for the mayor or any member of the governing body to have or own any interest or share, either directly or indirectly, in any contract made or let by order of the governing body, or to receive any portion or share, either directly or indirectly, of the money or other thing paid for public work or other contracts, and any contract made in violation of this section shall not be binding on the city.

(Code 1962, § 2-22)

State law references: Municipal authorities not to be interested in contracts, Miss. Code 1972, § 21-39-1.

Sec. 2-30. Full board required for appointments.

- (a) All appointments by the governing body of any person to any office upon any board or commission within the city or to any office in the city shall be made only by the action of the full board.
- (b) Should the term of office of any appointee of the governing body expire before his successor is appointed by the full board, he shall continue in office as such until such appointment is made.
- (c) Should a vacancy exist in the office of the mayor or the office of any alderman of the city at the time that any appointment is required to any office, board or commission by the governing body, such appointment shall not be made until the vacancy in such office is filled and action taken thereon by all of the members of the governing body present and acting.

(Ord. of 4-27-64, §§ 1--3)

Cross references: Appointment of substitute for removed officer by mayor, § 2-4.

Chapter 3 AIRPORTS AND AIRCRAFT*

***State law references: Municipal authority to procure airport, Miss. Code 1972, § 61-5-75; to maintain, regulate, police same, § 61-5-5.**

Article I. In General

[Sec. 3-1. Federal aircraft and pilots licenses required.](#)

[Sec. 3-2. Compliance with and adoption of federal rules.](#)

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Article II. Airport Zoning

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ARTICLE I. IN GENERAL

Sec. 3-1. Federal aircraft and pilots licenses required.

Only aircraft and pilots properly licensed by the Federal Aviation Administration shall be permitted to operate over or within the jurisdiction of the city and the airport of Barrier Field, hereinafter referred to as "the airport."

(Code 1962, § 3-1)

Sec. 3-2. Compliance with and adoption of federal rules.

No person shall fly any aircraft over or within the jurisdiction of the city or the airport, or land upon, take off from, or service, maintain or repair any aircraft on the airport, or conduct any aircraft operations on or from the airport otherwise than in conformity with the requirements of the civil air regulations and the air traffic rules as established by the Federal Aviation Administration. Said rules as established are hereby adopted by reference and made a part of these rules.

(Code 1962, §§ 3-2, 3-3)

Sec. 3-3. Sale of gasoline and oil at airport regulated.

The city, through the airport manager or such person as may be charged with the duties thereof, will be the sole vendor and dispenser of gasoline and oil at the airport. No owner or operator of any aircraft will be permitted to fuel aircraft at the airport except from pumps or facilities operated by the city; provided, however, that the airport manager may make special arrangements with volume consumers at his discretion.

(Code 1962, § 3-4)

Cross references: Storage and transportation of inflammables regulated, § 11-30 et seq.

State law references: Municipal authority to furnish the usual airport services, Miss. Code 1972, § 61-5-11.

Sec. 3-4. Authority of airport manager; establishing fees.

- (a) *Promulgate rules. The airport manager shall be authorized and empowered to promulgate rules and to supervise and direct the use of the airport, including the runways, taxiways, administration building, hangars, ramps and other areas of the airport in such manner as to provide the best service and accommodation to the public using the airport; and the airport manager or his authorized representative may direct the landing, takeoff and taxiing of aircraft at said field and may regulate the moving and parking of all other vehicles as well.*
- (b) *Establish, collect fees. All fees and charges for the use of the airport or in connection therewith will be established by the airport manager, upon the recommendation of the airport committee, subject to the final approval of the governing body. All fees and charges will be payable to the airport manager and all moneys collected by him will be promptly turned over to the city official designated to receive such funds.*

(Code 1962, § 3-5)

Sec. 3-5. Violations.

Any person operating any aircraft in violation of the terms of this article or refusing to comply therewith, may be promptly removed from the airport by or under the authority of the airport manager; and upon the order of the governing body may be deprived of the further use of the airport and the facilities for such length of time as may be required to insure the safeguarding

of the public interest; all in addition to the penalties imposed for violation of this Code.
(Code 1962, § 3-6)

Secs. 3-6--3-19. Reserved.

ARTICLE II. AIRPORT ZONING*

***State law references: Municipal authority to adopt and enforce airport zoning regulations, Miss. Code 1972, § 61-7-7.**

Sec. 3-20. Designation, citation of article.

This article shall be known and may be cited as the "Airport Zoning Ordinance of Yazoo City."

(Code 1962, § 3-16)

Sec. 3-21. Definitions.

As used in this article, unless the context otherwise requires, the following terms shall have the respective meanings ascribed to them:

Airport: The Yazoo City Municipal Airport.

Airport hazard: Any structure or tree or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at the airport or is otherwise hazardous to such landing or taking off of aircraft.

Landing area: The area of the airport used for the landing, taking off, or taxiing of aircraft.

Nonconforming use: Any structure, tree or use of land which does not conform to a regulations prescribed in this article or any amendment thereto, as of the effective date of such regulation.

Structure: Any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

Tree: Any object of natural growth.

(Code 1962, § 3-17)

Sec. 3-22. Administration.

(a) The building inspector is designated as the administrative agency charged with the duty of administering and enforcing the regulations herein prescribed, unless the context hereof clearly states to the contrary.

(b) Application for permits required under section 3-32 shall be made to the building inspector and the application shall be accompanied by lot plat, building plans and specifications and any other information necessary to determine the conformity with the provisions of this article.

(Code 1962, § 3-24)

State law references: Authority to appoint official as administrative agency, Miss. Code 1972, § 61-7-19.

Sec. 3-23. Appeals from decision of administrative agency.

Appeals may be taken from the action of the building inspector to the board of adjustment, with regard to any decisions of the administrative agency.

(Code 1962, § 3-25)

State law references: Board of adjustment required, authority thereof, Miss. Code 1972, § 61-7-21; appeal procedure, § 61-7-23.

Sec. 3-24. Joint airport zoning board--Created.

There is hereby created a joint airport zoning board consisting of five members, two of

whom shall be appointed by majority vote of the governing body of the city from among the qualified electors of the city, and two of whom shall be appointed by majority vote of the board of supervisors of the county from among such qualified electors of the county, as the board of supervisors shall designate, and one of whom shall be elected by a majority of the four members appointed by the governing body of the city and the board of supervisors of the county. Said member elected by said four appointed members of said board shall serve as the chairman of said board.

(Code 1962, § 3-26)

Sec. 3-25. Same--Term of office.

The term of office of the two members of the joint airport zoning board appointed by the governing body of the city shall be four years from the date of their respective appointments. The term of office of the two members appointed by the board of supervisors of the county shall be such term as is prescribed by the board of supervisors. The term of office of the chairman of said board shall be four years from the date of his election by the board.

(Code 1962, § 3-27)

Sec. 3-26. Same--Powers and duties as set out in state law.

The powers and duties of the joint airport zoning board shall be those powers and duties set out in Mississippi Code 1972, section 61-7-7, as amended.

(Code 1962, § 3-28)

Sec. 3-27. Penalty for violation of article.

Each violation of this article or of any regulation, order, or ruling promulgated hereunder shall be punishable as provided in section 1-8, and each day a violation continues shall be a separate offense.

(Code 1962, § 3-29)

Sec. 3-28. Approach, transition, turning zones established.

In order to carry out the purpose of this article, all of the land within an area extending 1,500 feet from all boundaries is hereby divided into airport approach, transition and turning zones, the boundaries of which are shown on Sheet No. 2 of the Yazoo City Municipal Airport Approach Plan, dated April 1, 1947, which is on file in the office of the city clerk and subject to public inspection.

(Code 1962, § 3-18)

Sec. 3-29. Maximum height limits established.

Except as otherwise provided by regulations of the joint airport zoning board, no structure or tree shall be erected, altered, allowed to grow or maintained in any airport approach zone, transition zone or airport turning zone to a height in excess of the height limit herein established for such zone. For purpose of this regulation, the following height limits are established for each of the zones in question:

- (1) *Approach zones and transition zones. Forty to one glide angle extending 1,500 feet from nearest airport property line, that is, for each 40 feet distance from property line, height shall not exceed one foot.*
- (2) *Transition zone. Seven to one slope from the elevation of the nearest glide angle of the nearest approach zone.*
- (3) *Turning zone. Twenty to one glide angle from the nearest airport property line.*

(Code 1962, § 3-19)

Sec. 3-30. Existing nonconforming uses not affected by airport zoning requirements.

The regulations prescribed in section 3-29 shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations

as of July 14, 1947, or otherwise interfere with the continuance of any nonconforming use.
(Code 1962, § 3-20)

State law references: Condemnation in order to eliminate, Miss. Code 1972, § 61-7-29.

Sec. 3-31. Variances.

Any person desiring to erect any structure or increase the height of any structure, or permit the growth of any trees, or use his property, not in accordance with the regulations prescribed in this article, may apply for a variance therefrom. Such variance shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this article. All applications for variances under this section shall be made to the joint airport zoning board.

(Code 1962, § 3-21)

State law references: As to variances, see Miss. Code 1972, § 61-7-17(2).

Sec. 3-32. Permits required in approach, transition, turning zones.

- (a) *Future uses. No building structure, obstruction or tree shall be erected, altered, planted or otherwise established, in any airport approach zone or airport turning zone, unless a permit therefor shall have been applied for and granted. Each such application shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, building, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit applied for shall be granted.*
- (b) *Existing uses. Before any existing building, structure, obstruction or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher or replanted within any airport approach zone, transition zone or airport turning zone, a permit must be secured authorizing such replacement, change or repair. No such permit shall be granted that would allow the establishment or creation of any airport hazard or permit a nonconforming use, building, structure, obstruction or tree to be made or become higher, or become a greater hazard to air navigation, than it was on July 14, 1947, or than it is when the application for a permit is made. Except as indicated, all applications for a permit for replacement, change or repair of an existing building, structure, obstruction or tree shall be granted.*

(Code 1962, § 3-22)

State law references: As to permits, see Miss. Code 1972, § 61-7-17(1).

Sec. 3-33. Hazard marking and lighting.

Any permit or variance granted under this article may, if such action is deemed advisable to effectuate the purpose of this article and reasonable in the circumstances, be so conditioned as to require the owner of the building, structure, obstruction or tree in question to permit the city, at its own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

(Code 1962, § 3-23)

State law references: Condemnation in order to eliminate nonconforming uses, Miss. Code 1972, § 61-7-29.

Chapter 4 ALCOHOLIC BEVERAGES, BEER AND WINE*

*Charter references: Authority to regulate inspection of liquor and wine, § 14(6); authority to license and regulate, § 15(3).

[Sec. 4-1. Adoption of alcoholic beverage law.](#)
[Sec. 4-2. Adoption of penal and property seizure laws.](#)
[Sec. 4-3. Violation of state law or regulation in the sale of alcoholic beverages, beer or wine.](#)
[Sec. 4-4. Applicability of building, fire prevention, electrical, gas and plumbing codes to alcoholic beverage establishments.](#)
[Sec. 4-5. Exhibiting privilege tax receipt.](#)
[Sec. 4-6. Persons to whom sale prohibited--Alcoholic beverages.](#)
[Sec. 4-7. Same--Beer or light wine.](#)
[Sec. 4-7.1. Minors on premises of beer and light wine permit holders.](#)
[Sec. 4-8. Employment of minors in alcoholic beverage establishment.](#)
[Sec. 4-9. Purchase, consumption or possession of alcoholic beverages by minor.](#)
[Sec. 4-10. Possession or consumption of alcoholic beverages, light wine or beer in public buildings, stadiums, playgrounds, parks, etc.](#)
[Sec. 4-11. Appearing in public in a drunken condition.](#)
[Sec. 4-12. Closing alcoholic beverage establishments in emergencies.](#)
[Sec. 4-13. Prohibited hours of operation.](#)
[Sec. 4-13.1. On-premises security required.](#)
[Sec. 4-14. Acts prohibited in beer establishments.](#)
[Sec. 4-15. Boundaries and limitations for the sale and consumption of alcoholic beverages, beer and wines established.](#)

Sec. 4-1. Adoption of alcoholic beverage law.

All of the provisions of "The Local Option Alcoholic Beverage Control Law," relating to the possession and sale of alcoholic beverages, as defined in section 67-1-5, Mississippi Code 1972, are hereby adopted insofar as the same are applicable and apply to the possession and sale of alcoholic beverages within the corporate limits of the city, as well as the rules and regulations regarding the same promulgated by the state tax commission under said law.

(Ord. of 10-24-66, § 1)

Sec. 4-2. Adoption of penal and property seizure laws.

All offenses under the penal laws of the state now in force or hereafter enacted, amounting to a misdemeanor, with reference to vinous, alcoholic, malt, intoxicating or spirituous liquor, or intoxicating bitters or drinks, shall, when committed within the city, be offenses against the city, and all provisions of said laws of the state now in force or hereafter enacted with reference to denial of property rights in certain liquors, vessels, fixtures, furniture, implements, appliances, and vehicles, and the seizure and disposition thereof, to the extent that said offenses are committed within the city, shall be and are hereby adopted as a part of the ordinances of said city.

(Code 1962, § 4-3)

Sec. 4-3. Violation of state law or regulation in the sale of alcoholic beverages, beer or wine.

It shall be unlawful for any person to sell or offer for sale, or otherwise dispense alcoholic beverages of any kind, or beer or wine, or to have such in his possession within the city in violation of any of the terms and provisions of any statute of the state, or in violation of any rules and regulations promulgated by the state tax commission.

(Ord. of 10-24-66, § 5)

State law references: Intoxicating beverage offenses, Miss. Code 1972, § 97-31-1 et seq.; for such proceedings for intoxicating beverage offenses, see § 99-27-1 et seq.

Sec. 4-4. Applicability of building, fire prevention, electrical, gas and plumbing codes to alcoholic beverage establishments.

All of the applicable provisions of the building code, the fire prevention code, the electrical code, the plumbing code and the gas code shall control the location, construction, use and operation of package stores and other alcoholic beverage outlets.

(Ord. of 10-24-66, § 3)

Sec. 4-5. Exhibiting privilege tax receipt.

Prior to the beginning of the operation of any package store or other outlet for the sale of alcoholic beverages where a privilege tax is required, the owner or operator thereof shall produce and exhibit to the city tax collector evidence of payment of the same. The city tax collector will record the information contained on the receipt in a special register set up by him for that purpose. (Ord. of 10-24-66, § 4)

Cross references: Levy of privilege license taxes, § 14-1 et seq.

Sec. 4-6. Persons to whom sale prohibited--Alcoholic beverages.

It shall be unlawful for any person to sell, give or furnish in any manner any alcoholic beverage at any time or place to any person who is known to be insane or mentally incapacitated, or to any person who is visibly intoxicated, or to any person who is known to habitually drink alcoholic beverages to excess, or to any person who is known to be an habitual user of narcotics or other habit-forming drugs, or to any person under 21 years of age, or to knowingly sell, furnish or give the same to any person for delivery to such persons.

(Ord. of 10-24-66, § 6)

State law references: Similar provisions, Miss. Code 1972, §§ 67-1-81, 67-1-83.

Sec. 4-7. Same--Beer or light wine.

- (a) It shall be unlawful for any person dealing in, or selling, beer or light wine at retail to sell, give or furnish any beer or wine to any person visibly or noticeably intoxicated, or to any insane person, or to any habitual drunkard, or to any person under the age of 18 years.
- (b) It shall be unlawful for any person under the age of 18 years to consume or have in his or her possession light wine or beer.

(Code 1962, § 4-13; Ord. of 5-28-79, § 2)

Sec. 4-7.1. Minors on premises of beer and light wine permit holders.

It shall be unlawful for the holder of an on-premises permit authorizing the sale of beer or light wine at retail or the employee of the holder of such permit to allow entry onto the premises to any person under the age of 21 years of age unless said minor is accompanied by his/her parent, legal guardian or adult spouse.

This section shall not apply to any establishment which derives 50 percent or more of its gross income from food sales and which expends for food inventory an amount equal to or exceeding 50 percent.

For the purpose of this section the phrase "allow entry onto the premises" shall mean physical presence in the premises and shall not imply permission or lack of permission to enter the premises. For the purpose of this section the term "licensed premises" shall include the structure housing the place of business and all contiguous or adjacent (within 150 feet of structure) land used for parking or other purposes and leased, rented or owned by the permit holder.

Any person who shall violate this section shall be guilty of a misdemeanor.

If the holder of an on-premises retail beer or light wine permit or the employee of the holder of a permit shall be convicted of minors being on the licensed premises, then in addition to any other penalty provided for by law, the holder of the permit may be punished as follows:

- (1) For the first offense on the licensed premises, the holder of the permit may be fined in an amount not to exceed \$150.00.
- (2) For the second offense on the licensed premises within 12 months of the first offense, the holder of the permit may be fined in an amount not to exceed \$500.00.
- (3) For the third and subsequent offense occurring on the licensed premises within 12 months of the first, the holder of the permit may be fined in an amount not to exceed \$500.00 and/or the city may apply to the Mississippi Tax Commission or file affidavit with the Yazoo County Prosecuting Attorney or Yazoo County District Attorney for revocation or suspension of the permit authorizing the sale of beer or

light wine at retail.

(Ord. of 7-27-98)

Sec. 4-8. Employment of minors in alcoholic beverage establishment.

It shall be unlawful for any person to employ in any capacity in connection with the sale or dispensing of alcoholic beverages in a package store or otherwise, any person under the age of 21 years.

(Ord. of 10-24-66, § 7)

Sec. 4-9. Purchase, consumption or possession of alcoholic beverages by minor.

It shall be unlawful for any person under the age of 21 years to purchase, consume or have in his possession on any public street or in any public place any alcoholic beverage, and it shall be unlawful for any person under the age of 21 years to make a false statement relative to his age for the purpose of obtaining alcoholic beverages.

(Ord. of 10-24-66, § 8)

Sec. 4-10. Possession or consumption of alcoholic beverages, light wine or beer in public buildings, stadiums, playgrounds, parks, etc.

- (a) It shall be unlawful for any person to have in his possession or to consume alcoholic beverages in the city hall, municipal school buildings, stadiums, public playgrounds, or public parks.
- (b) It shall be unlawful for any person to have in his possession light wine or beer in the city hall, police station, municipal school building, stadium or any public playground or public park.
- (c) It shall be unlawful for any person to consume alcoholic beverages, light wine or beer on any public street.
- (d) It shall be unlawful for any person to consume alcoholic beverages, light wine or beer on any common area of the city housing authority.

(Ord. of 10-24-66, § 9; Ord. of 5-28-79, §§ 3, 4; Ord. of 10-11-93, § 1; Ord. of 9-9-96)

Sec. 4-11. Appearing in public in a drunken condition.

It shall be unlawful for any person to appear in any public place or on any public street in a drunken condition, and it shall be the duty of the police officers of the city to immediately remove and jail any such person.

(Ord. of 10-24-66, § 10)

State law references: Similar provisions, Miss. Code 1972, § 97-29-47.

Sec. 4-12. Closing alcoholic beverage establishments in emergencies.

In the event of any disturbance, uprising or riot, or any other emergency endangering life, property or public safety, it shall be the duty of the chief of police to promptly close any or all places in the city where alcoholic beverages are consumed, sold or otherwise dispensed, and to require such places to remain closed for the period of such emergency.

(Ord. of 10-24-66, § 11)

Sec. 4-13. Prohibited hours of operation.

- (a) *Alcoholic beverages. It shall be unlawful for any person to sell, give away, or otherwise dispense or permit to be consumed, at any place where alcoholic beverages are sold under an on-premises permit, any alcoholic beverages between the hours of 12:00 midnight and 7:00 a.m. or to conduct business or be open to conduct business or to allow customers to remain on the premises between the hours of 1:00 a.m. and 7:00 a.m. Monday through Friday mornings and between the hours of 1:30 a.m. and 7:00 a.m. on Saturday and Sunday mornings.*
- (b) *Beer and light wine. It shall be unlawful for any person, firm, or corporation holding a license as a retailer of light wine and beer in any establishment within any areas within the*

corporate limits of this city to sell, give, dispense or permit to be consumed in or upon said licensed premises any beer or light wine between the hours of 12:00 midnight and 7:00 a.m. or to conduct business, to be open to conduct business or allow patrons to remain on the premises between the hours of 2:00 a.m. and 4:00 a.m. Monday through Friday mornings and between the hours of 3:00 a.m. and 4:00 a.m. on Saturdays and Sunday mornings.

(Code 1962, § 4-12; Ord. of 10-24-66, § 12; Ord. of 5-23-69, § 1; Ord. of 6-5-69; Ord. of 7-11-69, § 1; Ord. of 8-10-81; Ord. of 12-12-83; Ord. of 10-11-93, § 1; Ord. of 3-14-94, § 1; Ord. of 6-10-96, § 1; Ord. of 4-27-98, § 1; Ord. of 10-23-2003)

State law references: Similar provision as to beer and wine, Miss. Code 1972, § 67-3-53; package store sales further restricted, § 67-1-83(3).

Sec. 4-13-1. On-premises security required.

- (a) It shall be unlawful for any person, firm, corporation, or other entity holding a license to sell, give away, or otherwise dispense or permit to be consumed, any alcoholic beverage, light wine or beer, in any establishment within any area within the corporate limits of this city, having a capacity of 50 or more persons as established by the Fire Marshal for the City of Yazoo City, Mississippi, at all times when 50 or more patrons are present on the premises or when said establishment is charging a cover or admission charge, unless there is on the premises at all times and hours of operation, a security officer who has been registered as such with the City of Yazoo City Police Department and whose sole responsibility is to keep and maintain order on the premises.
- (b) Those persons acting as security personnel shall be subject to a background check and must meet the qualifications set forth in MCA 1972, § 67-3-19 or 45-9-101, and obtain a personal liability bond in an amount not less than \$10,000.00.
- (c) The provisions of this section should not apply to any establishment which derives 50 percent or more of its gross income from food sales and whose expenditures for food inventory is an amount equal to or exceeding 50 percent of its total expenditures or to private and fraternal organizations such as the American Legion or the Veterans of Foreign Affairs, holding licenses or permits to dispense within the city limits of the City of Yazoo City, Mississippi.

(Ord. of 2-28-2005; Ord. of 5-9-2005; Ord. of 7-25-2005)

Sec. 4-14. Acts prohibited in beer establishments.

It shall be unlawful for any person dealing in, or selling, beer at retail:

- (1) To permit in the licensed premises any lewd, immoral or improper entertainment, conduct or practices;
- (2) To permit loud, boisterous or disorderly conduct of any kind upon the licensed premises or the use of loud musical instruments if either or nay of the same may disturb the peace and quiet of the community wherein such business is located;
- (3) To permit persons of ill repute, known criminals, prostitutes or minors to frequent the licensed premises, except minors accompanied by parents or guardians, or under proper supervision;
- (4) To permit or suffer gambling or the operation of games of chance upon the licensed premises.

(Code 1962, § 4-14; Ord. of 5-28-79, § 1)

Sec. 4-15. Boundaries and limitations for the sale and consumption of alcoholic beverages, beer and wines established.

- (a) It shall be unlawful for any person, firm or corporation to sell or consume or allow to be sold or consumed alcoholic beverages, beer or wine on any premises within 400 feet of any church or school within the city.

- (b) For the purposes of this section, distances shall be established by measuring from entrances and exits available for use by the public, patrons or students.
- (c) Nothing in this section be construed to apply to any presently licensed establishment selling alcoholic beverages, beer or wines so long as said establishments shall maintain, in good standing, all licenses and permits required of the State of Mississippi, Yazoo County and the City of Yazoo City, Mississippi. In the event any facility presently holding a license or permit to sell alcoholic beverages, beer or wines shall allow said licenses to expire and not be renewed within 30 days, said facility shall become subject to this section. In the event any facility presently holding a permit or license to sell alcoholic beverages, beer or wine shall have said licenses forfeited, suspended, terminated or otherwise caused to be ineffective, said facility shall immediately become subject to this section.

(Ord. of 4-23-90, § 1)

Editor's note: Ord. of Apr. 23, 1990, amended the Code by adding provisions designated as § 4-14. Inasmuch as there already exists provisions so designated, the provisions of said ordinance have been included herein as § 4-15 at the discretion of the editor.

Chapter 5 ANIMALS AND FOWL*

***Charter references: Authority to regulate, impound, sell, §§ 14(9), (23), 15(4).**

Cross references: Creation of noise by animals, § 13-12(5).

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[Sec. 5-44. Humane euthanization.](#)

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[Sec. 5-49. Enforcement.](#)

[Sec. 5-50. Penalties.](#)

ARTICLE I. IN GENERAL

Sec. 5-1. Definitions.

The following words, whenever used in this chapter shall have the meanings ascribed to them in this section unless a different meaning clearly appears from the context:

Animal control office [officer] shall mean the person designated by the city to represent and act for the city in the impoundment of animals, controlling of animals running at large as otherwise required in this chapter.

At large. Any animal, dog, cat or fowl shall be deemed to be at large when it is not on a leash, behind a fence or enclosure, or under the control of a competent person.

Feral dog: A dog that has escaped from domestication and become wild, dangerous, or untamed.

Health officer shall mean a licensed physician or veterinarian or an agent of the Yazoo County Health Department.

Inhumane treatment shall mean any treatment to any animal which deprives the animal of necessary sustenance, including food, water and protection from weather, or any treatment of any animal, such as overloading, overworking, tormenting, beating, mutilating, teasing or poisoning, or other abnormal treatment as may be determined by:

- (1) A health officer; or
- (2) An authorized law enforcement officer; or
- (3) The animal control officer.

Livestock shall mean all domesticated animals, including but not limited to horses, cows, mules, goats, sheep and pigs.

Owner shall mean any person, firm or corporation owning, keeping or harboring any animal or fowl.

Person shall mean any individual, firm, association, syndicate, partnership or corporation.

Vaccination shall mean an injection of United States Department of Agriculture approved rabies vaccine administered every 12 calendar months by a licensed veterinarian.

Vicious animal: Any animal or animals that constitute a physical threat to human beings or other animals.

Wild animals shall mean all undomesticated animals, including but not limited to lions, tigers, bears, wolves, apes, monkeys, foxes, baboons, skunks, raccoons and opossums.

(Code 1962, § 5-28; Ord. of 1-10-00)

Sec. 5-2. Employment of animal control officer.

The governing body may by resolution at any time in its discretion which may appear necessary or proper employ some suitable person as animal control officer for the city at such salary and on such fee basis for compensation as may be fixed by it.

- (1) Animal control officer shall be required to be familiar [with city ordinances] pertaining to animals and fowl, and applicable federal and state statutes pertaining thereto.
- (2) Any animal control officer may utilize any equipment reasonable and necessary to enforce the provisions of this Code, including without limitation, humane wire box traps, and the animal control officer(s) may lend such traps or other equipment to private persons for the purpose of preventing nuisances resulting from animals running at large.

- (3) Any animal control officer appointed by the city shall be vested with police powers and shall be authorized to issue tickets, summons or other process in the manner as other police officers of the city.

(Code 1962, § 5-28; Ord. of 1-10-00)

Sec. 5-3. Same--Entry onto private premises.

The city police, other law enforcement officers of the city, and any animal control officers employed by the city shall have the power and it shall be their duty to go upon the premises of any person where such officer shall have reason to believe there is an animal running at large contrary to the provisions of this chapter and there seize and impound such animal.

(Code 1962, § 33)

Sec. 5-4. Same--Interfering with.

It shall be unlawful for any person to interfere with any person authorized by this chapter to seize and impound or kill any animal, in the discharge of his duties under this chapter.

(Code 1962, § 5-30)

Sec. 5-5. Control and protection of animals.

(a) It shall be unlawful for any person to:

- (1) Permit any animal to run at large within the corporate limits of the city;
- (2) Carry out any inhumane treatment against any animal;
- (3) Interfere with or molest a dog used by the police department of the city in performance of the functions or duties of such department.
- (4) Keep or harbor any animal(s) which by loud, frequent or habitual barking, howling, yelping or other noise or action disturbs any person or neighborhood within the corporate limits of the city;
- (5) Keep or harbor more than four domesticated animals of the same species, over the age of three months, in any residential area within the corporate limits of the city;
- (6) Keep or maintain on their premises any pen(s), enclosure(s), etc., for keeping of animals or fowl so as to become a public nuisance to persons residing in the vicinity thereof, nor shall they be maintained or kept in any manner as to cause bodily injury to any person residing in the vicinity of the pen, enclosure, etc.
- (7) Keep or harbor any animal(s) or fowl in such a manner as to constitute a public nuisance to persons residing in the vicinity thereof by reason of odor or unsanitary conditions;
- (8) Fail to provide animals with sufficient good and wholesome food and water, proper shelter and protection from weather, veterinary care when needed to prevent suffering, and with humane care and treatment;
- (9) Leave an animal unattended inside a motor vehicle when such action is harmful or reasonably potentially harmful to said animal; in the event the owner of said vehicle is not available and cannot be found or refuses to prevent said harm or reasonable potential harm from continuing, the animal control officer or the police department shall be authorized to remove said animal from such vehicle and to utilize any reasonable method to effect said removal;
- (10) Expose any known poisonous substance, whether mixed with food or not in such a manner as to [be] ingested by any animal to purposely harm said animal.

(b) The duly sworn and authorized animal control officer(s) or police officer(s) of the city, may seize or cause to have seized any animal whose owner is found to be in violation of any part of subsection (a) and impound or cause to be impounded such animal in a designated shelter. Such animal shall be held for a period not to exceed five days, and if reasonable corrections are not made by the owner of the animal so that the owner will not be in further violation of said subsection (a) if such animal is returned to him, the animal shall be

released to the Mississippi Animal Rescue League. The animal control officer shall designate in writing to the owner what corrections are necessary to bring said owner into compliance with subsection (a) during said five-day period.

(Code 1962, § 5-12; Ord. of 1-10-00)

State law references: Cruelty to animals, Miss. Code 1972, §§ 97-41-1--97-41-11.

Sec. 5-6. Reserved.

Editor's note: An ordinance adopted Jan. 10, 2000, deleted § 5-6, Mistreating of dogs of police department, derived from the 1962 Code, § 5-21.

Sec. 5-7. Keeping of livestock.

- (a) No person shall keep livestock closer than 150 feet to any property line adjoining that on which the livestock is kept; provided that each animal herein defined as livestock shall be kept on a lot or tract of three acres or greater.
- (b) At the request of the animal control officer each livestock owner shall notify the animal control officer of the type, number and location of any and all livestock kept within the corporate limits. Said owner shall further furnish his name, address, and telephone number to the animal control authority and to the police department at the request of either.

(Code 1962, § 5-4; Ord. of 1-10-2000)

State law references: Authority to regulate the keeping of livestock, Miss Code 1972, § 21-19-1.

Sec. 5-8. Keeping of fowl.

- (a) No person shall keep more than two fowl such as chickens, ducks, turkeys, geese, pigeons, or guineas, except when 150 feet from any property line adjoining that on which the fowl are kept, and except by special permit issued by the city clerk upon approval by the animal control officer.
- (b) It shall be unlawful for the owner of said fowl to allow such fowl to roam outside the property of said owner, except carrier pigeons on training or racing flights.
- (c) This provision shall not apply to any area in the city not subdivided or platted or on tracts of three acres or more.

(Code 1962, §§ 5-2, 5-3; Ord. of 9-28-87, § 1; Ord. of 1-10-2000)

Secs. 5-9, 5-10. Reserved.

Editor's note: Ord. of Sept. 28, 1987, § 2, repealed § 5-9, which pertained to poultry running at large, derived from the 1962 Code, § 5-5. Subsequently, an ordinance adopted Jan. 10, 2000, deleted § 5-10, keeping of hogs, derived from the 1962 Code, § 5-7.

Sec. 5-11. Ferocious, vicious or dangerous animals prohibited.

- (a) It shall be unlawful for any person to keep or maintain within the city any ferocious, vicious or dangerous animal or fowl. Any such animal or fowl may be impounded or destroyed.
- (b) The violation of this section shall constitute a misdemeanor.

(Code 1962, § 5-8; Ord. of 9-14-98; Ord. of 1-10-2000)

Sec. 5-12. Keeping wild animals and reptiles prohibited.

- (a) No person shall keep any wild animal(s) or reptile(s) within the corporate limits of Yazoo City, Mississippi.
- (b) No person shall keep or cause to be kept on their premises or in any roadside zoo or pet store, any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee.
- (c) The animal control officer is hereby granted the authority to seize any wild animal(s) or reptile(s) kept in violation of this section, federal law, or state statutes, upon conviction of the owner of such offenses, and, if seized, shall deliver said wild animal(s) or reptile(s) to the department of wildlife conservation. In his discretion the animal control officer may

grant the owner of such animals 24 hours to remove them from the boundaries of the city to a lawful place if the public safety and welfare will not be jeopardized thereby.

(Code 1962, § 5-9; Ord. of 1-10-2000)

Sec. 5-13. Performing animal exhibits or circuses; regulations.

- (a) No performing animal exhibit or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner which is likely to cause physical suffering or injury to the animal.
- (b) All equipment used on or by a performing animal shall fit properly and be in good working condition.
- (c) The owners, managers and caretakers of animals used as performing animals shall provide them with good and sufficient food and water, and shelter from extremes of weather, and shall not at any time hobble, tether, tie or stake them alongside city streets, state highways, public rights-of-way, or any thoroughfare within the corporate limits of the city.
- (d) The animal control officer is hereby authorized to inspect the conditions and premises of such operations at any given time to determine compliance with this section.

(Ord. of 12-13-71, § 1; Ord. of 1-10-2000)

Sec. 5-14. Pet shops, aviaries and kennels; investigation of complaints.

The animal control officer of the city is hereby authorized at any reasonable time upon written request or demand of any citizen of the city to inspect any store or business which buys, sells, gives away or trades live animals, birds, or operates kennels.

(Ord. of 12-13-761, § 2; Ord. of 1-10-2000)

Sec. 5-15. Reporting vehicle accident involving animal.

Any person who, as the operator of a motor vehicle, strikes a domestic animal shall at once report the accident to the police department and/or the animal control officer or to the local humane society within a reasonable time.

(Ord. of 12-13-761, § 2; Ord. of 1-10-2000)

Sec. 5-16. Personnel using firearms pursuant to chapter.

Personnel empowered by this chapter or section to discharge firearms within the city limits shall qualify with the police chief once every six months and may not discharge any firearms within the scope of their employment unless and until the chief of police has issued or renewed the appropriate certification. Said certification is to be issued based on the following considerations:

- (1) Thorough instruction in operation of the type of firearms issued to the animal control officer;
- (2) Thorough knowledge of all appropriate safety procedures;
- (c) Competent performance on the firing range;
- (d) Such other tests or qualifications as the chief of police in his discretion deems appropriate.

In issuing the required certification, the chief of police is to take into consideration all the requirements in keeping [with] good police practices and will at all times bear in mind the safety of the citizens of the city, and shall require the same degree of competence from authorized personnel as is required of police officers discharging firearms within the city limits.

(Code 1962, § 5-27; Ord. of 1-10-2000)

Sec. 5-17. Reserved.

Editor's note: An ordinance adopted Jan. 10, 2000, deleted § 5-17, bringing animals into the city; allowing to run at large; breaking pound, derived from the 1962 Code, § 5-1; and Ord. of 5-23-66, § 1.

Sec. 5-18. Removal of dead animals.

It shall be unlawful for any person to fail to immediately remove the carcass or any part thereof, of any dead animal or fowl found upon his premises, and dispose of same as authorized by law.

(Code 1962, § 5-10)

Sec. 5-19. Declaration of city as a bird sanctuary and of the prohibition of shooting firearms and the hunting of birds, fowl and animals herein.

- (a) The city is hereby declared to be a bird sanctuary; and
 - (b) Except as hereinafter provided, it shall be unlawful for any person within the corporate limits of this city to discharge a firearm, to hunt, track, trail or otherwise chase or pursue any animal, bird or fowl while in the possession of any firearm within the corporate limits of this city.
 - (c) For the purposes of this section, a "firearm" is defined as any weapon which is capable of discharging a projectile, whether by use of compressed air or by burning any explosive material with sufficient force to inflict damage, harm or injury to persons, property, birds, fowls or animals.
 - (d) Nothing in this section shall be construed to prohibit any person from acting in the protection of his or her life or property or any office or employee of any governmental agency from performing his official duties.
 - (e) Violation of this section shall constitute a misdemeanor and shall be punishable as such.
- (Ord. of 3-19-92, § 1)

Sec. 5-20. Trapping.

It shall be unlawful for any person at any time, except the city police, other law enforcement officers of the city, or the animal control officers, to capture any wild or domestic animal by trap or traps or other contrivances or to have such trap, traps or contrivances set out on any property in the city in a manner which could subject any animal to capture.

(Ord. of 8-26-96)

Editor's note: An ordinance adopted Aug. 26, 1996, did not specifically amend the Code; hence, codification of substantive provisions as § 5-20 was at the discretion of the editor.

Secs. 5-21--5-29. Reserved.

ARTICLE II. RABIES CONTROL

Sec. 5-30. Vaccination of dogs and cats required; issuance of certificate and metal tag.

- (a) Every owner or keeper of a dog or cat six months or older in city shall cause such dog or cat to be vaccinated annually as required by state law against rabies by a veterinarian licensed to practice in the state.
- (b) Evidence of vaccination shall consist of a metal tag and certificate issued and signed by the veterinarian administering the vaccination and containing pertinent data for identification of the dog or cat which data must consist of the owner's name, address and telephone number. The metal tag must be worn at all times by the dog or cat.

(Code 1962, § 5-22; Ord. of 1-10-2000)

Sec. 5-31. Reserved.

Editor's note: An ordinance adopted Jan. 10, 2000 deleted § 5-31, vaccination of dogs required; tag, derived from the 1962 Code, §§ 5-23, 5-25. For similar subject matter, see § 5-30.

Sec. 5-32. Same--Governing body may provide for free vaccination.

The governing body may by resolution duly passed and entered on its minutes provide for the free vaccination of dogs of owners or keepers thereof, residing within the city, fixing in such resolution the time and the place where such free vaccination may be obtained, and may by such

resolution extend such free vaccination to the dogs of owners or keepers thereof residing outside the city within a radius of one mile thereof, but the failure to make such provisions for free vaccination will not relieve the owner or keeper of any dog from compliance with section 5-31 [5-30].

(Code 1962, § 5-24)

Sec. 5-33. Reserved.

Editor's note: An ordinance adopted Jan. 10, 2000, deleted § 5-33, seizing and impounding of vaccinated dogs running at large, derived from the 1962 Code, § 5-26.

Secs. 5-34--5-39. Reserved.

ARTICLE III. IMPOUNDMENT AND DISPOSITION*

***State law references: Control of animals running at large, Miss. Code 1972, § 21-19-9.**

Sec. 5-40. Impoundment of animals or fowl.

Any dog, animal or fowl, caught, picked up or impounded by the animal control officer of the city shall be forthwith turned over to such animal shelter as may be designated from time to time by the city, to be held, impounded or disposed of in accordance with the rules and regulations of said animal shelter.

(Code 1962, § 5-41; Ord. of 1-10-2000)

Sec. 5-41. Procedure on retention, observation and disposition of animals which have bitten person(s) or other animals, or those suspected of having disease.

- (a) The animal control officer, in the course of his duties of investigation of cases in which animals have bitten persons or other animals, shall immediately notify the owner of such animal which has bitten any person or animal to surrender the animal to the animal control officer immediately or otherwise arrange for the animal control officer to pick up and retain such animal in a separate kennel at the designated animal shelter for a period of not less than ten days after the biting of such person or other animal, during which period it shall be determined by the city health officer or designated official whether or not such animal is suffering from any disease. If no disease is found, the city health officer shall signify to the animal control officer that such animal may be released to the owner; provided further, that the animal control officer may authorize keeping of any such animal on the owner's premises provided that the owner produces a certificate of rabies vaccination performed by a veterinarian showing that such animal has been vaccinated for rabies not longer than 12 months previous thereto and provided further, that the animal control officer may authorize any such animal to be retained for a period of not less than ten days after biting such person or animal in quarters supervised by a veterinarian; provided further, that the city health officer or animal control officer may authorize the keeping of certain animals confined on the owner's premises because of veterinary medical reasons, such as small rodents, monkeys, or other animals difficult to maintain or susceptible to diseases which might occur with changes of environment or female dogs with pups, provided the owner secures a written statement of such consideration from a veterinarian if required by the city health officer.

(Code 1962, §§ 5-29, 5-44; Ord. of 1-10-2000)

Sec. 5-42. Authorization for quarantine.

In the event a potential outbreak of rabies is suspected and the danger of the public safety

from rabid animals is reasonably imminent, the city health officer or animal control officer is hereby authorized and it shall be his duty to issue a quarantine proclamation ordering persons owning, keeping or harboring any dog or cat to muzzle the same or confine it as herein provided for such time as may be specified in such quarantine proclamation. Under the publication of such proclamation by the health officer or animal control officer, the person keeping or harboring any dog, cat or other animal shall follow the procedure as prescribed in the definition "at large" except that any such animal under the control of an adult person on a leash or under control by voice command may do so only if the animal is effectively muzzled. All dogs, cats or other animals found at large during the time specified by the city health officer or animal control officer in a quarantine proclamation, without being properly confined or muzzled if under the control of an adult person, may be destroyed by any officer of the city if said officer is unable, with reasonable effort, to apprehend the animal for impoundment.

(Code 1962, § 5-45; Ord. of 1-10-2000)

Sec. 5-43. Vicious or diseased animals.

(a) *Vicious animals or feral dogs. When an animal is determined by the animal control officer to be a vicious animal or feral dog, that animal may be destroyed by the animal control officer or his designee providing that each of the following requirements is met:*

- (1) The animal is running at large.
- (2) There is no vaccination tag around the animal's neck.
- (3) Attempts to peacefully capture the animal have been made and proved unsuccessful.

(b) *Incurably injured or diseased animals, etc. It shall be the duty of the police and duly authorized animal control officer to discharge a firearm in order to mercifully end the life of an animal suffering from an incurable injury or disease or as the sole effective means of controlling a public nuisance or health hazard, including but not limited to pigeons, rabbits, squirrels, snakes and feral dogs.*

(Code 1962, §§ 5-28, 5-31, 5-32; Ord. of 3-12-84, § 1; Ord. of 1-10-2000)

Sec. 5-44. Humane euthanization.

An injured or neglected animal may be humanely euthanized by the animal control officer or his designee immediately.

(Code 1962, § 5-43; Ord. of 1-10-2000)

Secs. 5-45--5-48. Reserved.

Editor's note: An ordinance adopted Jan. 10, 2000, deleted §§ 5-45--5-48 which pertained to livestock, and sale and redemption of impounded animals, derived from the 1962 Code, §§ 5-46--5-50, 5-52; and an ordinance adopted May 23, 1966, § 1.

Sec. 5-49. Enforcement.

The animal control officer of the city is hereby authorized and empowered to enforce the provisions of this chapter and is further empowered to issue unto individuals found by him to be in violation of the several provisions of this chapter a citation in the form of a uniform offense citation setting forth the following:

- (1) The name, address, date of birth and/or social security number and telephone number of the person alleged to be in violation.
- (2) The time and place for appearance for the matter to be heard before the municipal court.
- (3) The section of this chapter alleged to be violated, the time and place of the violation, the time and place of court appearance and the officer citing the alleged violation.
- (4) A statement that the person being cited for the alleged offense shall have the right

to pay a fine for such offense without the requirement of appearance in the municipal court in setting forth the procedure therefor.

(Ord. of 8-8-88, § 1)

Sec. 5-50. Penalties.

Any person who violates any provisions of this chapter shall be guilty of a misdemeanor. Each and every day the same shall continue shall constitute a separate and distinct offense.

(Ord. of 8-8-88, § 1; Ord. of 6-11-90, § 1; Ord. of 1-10-2000)

Chapter 6 BUILDINGS AND CONSTRUCTION*

***Charter references: Authority to regulate construction, location of buildings, § 14(11), (12).**

Cross references: Building restrictions near airport, §§ 3-29, 3-30; fire prevention code adopted, § 11-20; flood damage prevention, Ch. 11.5; removal of building debris, § 13-26; closing and securing of unoccupied structures, § 15-1; street excavation regulated, § 18-7 et seq.; dangerous awnings, § 18-10; encroachment upon or over sidewalks regulated, §§ 18-10 et seq.; dangerous signboards, § 18-11; construction of culverts, § 18-13; downspouts, § 18-15; street number prerequisite to permit issuance, § 18-27(b).

Article I. In General

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Article II. Building Code

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Article V. Gas Code
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ARTICLE I. IN GENERAL

Sec. 6-1. Fire districts.

- (a) The first fire district of the city shall be and include that part of the city within the following area: Bounded on the north by Canal Street, bounded on the west by the east right-of-way line of the Illinois Central Railroad, bounded on the east by Washington Street, and bounded on the south by Brandon Street and the intersection of Main Street with the east right-of-way of the Illinois Central Railroad.
- (b) The second fire district shall be and include all that part of the city not included within the limits of the first fire district.

(Code 1962, §§ 6-1, 6-20)

State law references: Municipal authority to establish fire districts, Miss. Code 1972, § 21-25-21; to enact regulations to prevent fires and to regulate erection of buildings, § 21-19-21.

Sec. 6-2. Nonliability of city.

This chapter shall not be construed as imposing upon the city or any of its agents, servants or employees any liability or responsibility for damages to any person or property injured by any defect in any structure, equipment, facilities, or appliances or by the installation thereof, nor shall the city or any of its agents, servants or employees thereof be held as assuming any such liability or responsibility by reason of the requirements of this chapter or other ordinances of the city, inspections made or certificates of approval issued by the city building inspector, or by other agents, servants or employees of the city.

(Code 1962, § 6-44; Ord. of 12-27-71, § 3)

Sec. 6-3. Reserved.

Editor's note: Ord. of Jan. 8, 1990, repealed § 6-3 which pertained to approval required before erection of fireproof structures in first fire district and derived from Code 1962, § 6-4.

Secs. 6-4--6-8. Reserved.

Editor's note: Sections 6-4--6-8, pertaining to flood hazard protection, which derived from Ord. of May 23, 1977, §§ 1--4, have been omitted as being superseded by Ord. of Mar. 27, 1987, which has been included in the Code as Ch. 11.5.

Sec. 6-9. Erosion prevention.

The owner of the properties and the persons engaged in operating the machines or machinery necessary and required in the grading of lots or other properties within the city are required, whenever such bulldozing, grading or leveling of dirt upon lands in the city are in progress where erosion or washing of said dirt would be occasioned from rains, to protect the areas so graded or leveled with straw, hay, or other protective coating or materials until such time as vegetation or the completion of said construction has reasonably prevented the possibility of erosion or washing of the soil from said property onto the streets or public ways of the city or onto the properties of adjacent owners.

(Ord. of 5-23-66, § 1)

Secs. 6-10--6-19. Reserved.

ARTICLE II. BUILDING CODE

Sec. 6-20. Code adopted.

There is hereby adopted by the city and declared operative therein for the purpose of establishing rules and regulations for the erection, construction, enlargement, alteration, repair, moving, removing, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings or structures in the city, for the issuance of permits and collection of fees therefor, the International Building Code, 2003 Edition, save and except those certain portions as are hereinafter deleted, modified or amended, of which code no less than three copies have been and now are in the offices of the city clerk, building inspector and fire marshal of the city, and the same is hereby adopted and incorporated herein and full as if set out at length herein, and from the date hereof of the provisions thereof shall be controlling within the city.

(Code 1962, § 6-16; Ord. of 6-14-65, § 1; Ord. of 10-13-69, § 1; Ord. of 12-27-71, § 1; Ord. of 9-10-73, § 1; Ord. of 1-26-76, § 1; Ord. No. 11-8-82, § 1; Ord. of 5-12-86, § 1; Ord. of 9-9-91, §§ 1, 2; Ord. of 1-22-96, §§ 1, 2; Ord. of 3-27-2000, §§ 1, 2; Ord. of 12-8-2003(1))

Cross references: Compliance of alcoholic beverage establishments, § 4-4.

State law references: Municipal authority to adopt a building code, Miss. Code 1972, § 21-19-25.

Sec. 6-21. City clerk to keep building code volumes corrected.

The city clerk is hereby authorized, directed and empowered to insert at the appropriate place in volumes of the building code in his office the changes and deletions and corrections herein made and set forth, and to insert in such corrected volumes of said building code a certificate to the effect that said code is, as amended, an official publication of the building laws, ordinances and resolutions of the city, and that said publication as amended is to be and become effective as the building laws and ordinances of the city.

(Code 1962, § 6-18)

Sec. 6-22. Building official qualifications, etc.

Section 102.1--Building Official, of the building code is amended by deleting subsection (b) thereof, and substituting the following in its place: "(b) The building official shall have such qualifications as the governing body may designate and determine to be necessary and satisfactory, and upon his appointment shall continue in office during good behavior and satisfactory service at the will of the chief appointing authority, and he shall be under the control of the governing body, and perform such duties as may be designated for him in addition to those set forth in the building code."

(Code 1962, § 6-19)

State law references: Compensation by fees prohibited, Miss. Code 1972, § 21-15-31.

Sec. 6-23. Minimum elevation.

Section 105.4--Plot Diagram, of the building code is hereby amended so as to include the following: "The building official shall also require the establishment of a minimum elevation for floor height as may, in his judgment, be necessary and required to insure a site reasonably free of flood risk or as may be determined by a qualified surveyor."

(Ord. of 4-11-66, § 1)

Sec. 6-24. Waiver of bond.

Section 106.2--Contractor's license and bond required, of the building code, is hereby amended by the addition (a) thereof, shall have added thereto of the following: "The building official may, in such cases as appear proper to him, waive the requirement of a bond as set forth in this section."

(Code 1962, § 6-20)

Sec. 6-25. Permit to locate mobile home, etc., in city--Required.

The building code is amended by adding thereto section 106.7, to read as follows:

"(a) Any person desiring to move or bring into the city for location in the city, other than in a mobile home or trailer park, any mobile home, trailer home or trailer or mobile building, shall first apply to and obtain from the city clerk or building inspector a permit for the location of such mobile home, trailer home or trailer or mobile building in the city.

"(b) The obtaining of said permit by the owner of the mobile building, trailer or mobile home, or by the owner of the land upon which it shall be located, or by the person engaged in moving or transporting the same shall be sufficient compliance with the permit requirements."

(Code 1962, § 6-23; Ord. of 3-27-72, § 1; Ord. of 1-8-73, §§ 1, 3)

Sec. 6-26. Same--Application; approval of location; fee.

The building code is hereby amended by adding thereto section 106.8, to read as follows:

"Application for such permit shall be made in writing to such city official, designating the description and the owner of the land where said trailer, mobile building or mobile home is to be located, the date to be moved, and the name of the mover, and accompanied by an application fee of \$10.00. Said permit shall not issue unless and until the location of such vehicle upon said lands has been approved by the planning and zoning commission of the city."

(Ord. of 1-8-73, § 2)

Section 107.4--Schedule of Permit Fees, of the building code, is amended to provide as follows:

"Permit fees.

- (1) Where evaluation does not exceed \$200.00, no fee.
- (2) For evaluation over \$200.00 up to and including \$2,000.00, the fee shall be \$5.00 per \$1,000.00 or a fraction thereof.
- (3) For evaluation over \$2,000.00 up to and including \$15,000.00, the fee shall be \$10.00 for the first \$2,000.00 plus \$3.00 for each additional \$1,000.00 or a fraction thereof.
- (4) For evaluation over \$15,000.00 up to and including \$50,000.00, the fee shall be \$49.00 for the first \$15,000.00 plus \$2.50 for each additional \$1,000.00 or a fraction thereof.
- (5) For evaluation over \$50,000.00 up to and including \$100,000.00, the fee shall be \$136.50 for the first \$50,000.00 plus \$2.00 for each additional \$1,000.00 or a fraction thereof.
- (6) For evaluation over \$100,000.00 up to and including \$500,000.00, the fee shall be \$236.50 for the first \$100,000.00 plus \$1.25 for each additional

\$1,000.00 or fraction thereof.

- (7) For evaluation over \$500,000.00, the fee shall be \$736.50 for the first \$500,000.00 and \$0.75 for each additional \$1,000.00 or fraction thereof.

(Code 1962, § 6-21; Ord. of 4-27-64; § 1; Ord. of 12-12-88, § 1)

Cross references: Mobile homes, etc., permit fee, § 6-26; fee for permit for moving building, § 6-29; flood hazard area permit, § 6-7.

State law references: Preservation of right of municipality to collect permit and inspection fees, Miss. Code 1972, § 27-15-33.

Section 111.1 and section 111.2 of the building code relating to the organization and establishment of a board of adjustments and appeals shall be deleted, and the following substituted in the place of said sections:

"Section 111.1: The board of adjustments and appeals as defined and mentioned in this code shall be the board of adjustments established by the city zoning ordinance."

"Section 111.2: The term of office shall be as prescribed in the city zoning ordinance."

(Code 1962, § 6-22)

Sec. 6-27. Access doors in veneered facings.

Section 610--Wood Veneers on Exterior Wall Panels, of the building code is hereby amended by adding paragraph (c) thereto as follows: "(c) It shall be required that an access door or covered opening with suitable hardware and identifying marking meeting the approval of the fire marshal be installed in the veneered facing on each floor above the main floor, with free access into the building, under the following conditions:

- (1) Opening shall be of sufficient size to permit ready access of fire fighting personnel and hand carried fire fighting equipment.
- (2) Exterior of the opening shall have distinctive markings for purpose of ease in locating panel; said markings requiring approval of the fire marshal.
- (3) Said access opening shall open onto a fire aisle within the building, and no shelving, loose or fixed, no containers or equipment of any description, or any loose merchandise shall be placed so as to block aisleway."

(Ord. of 4-14-69, § 1)

Sec. 6-27.5. Exits and two story buildings.

Sections 1026.1 and 1026.1.2 be modified as follows:

- I. *Exits: There shall be no less than two approved and independent exits accessible to the dwelling unit except as modified below:*
 - a. One common exit shall be allowed if all of the following are met:
 1. The maximum travel distance shall not exceed 30 feet to reach an exit door from the entrance of the dwelling.
 2. No more than four dwelling units per building shall be allowed.
 3. Maximum gross area of the dwelling units served by the exit shall not exceed 3,500 sq. ft. per floor.
 4. Height shall not exceed two stories.
 - b. One common exit shall be allowed if there are no more than four apartments per floor.
- IV. *Two story buildings: In a two story building containing a dwelling unit on the second floor, the stairwell(s), walls, and ceiling shall be covered with a minimum of 1/2-inch sheetrock or masonry construction and double thickness 1/2-inch sheetrock or one thickness 5/8-inch sheetrock on all separation walls and attics.*

Note: Sections II, III and V through IX shall remain as previously adopted.

(Ord. of 1-10-2000)

Editor's note: An ordinance adopted Jan. 10, 2000, amended the building code concerning exits and two story buildings. Such provisions did not specify manner of codification; hence, inclusion as § 6-27.5 was at the discretion of the editor.

Sec. 6-28. Projecting edge of a structural flat soffit of roof overhang.

Section 2201.2--Marquees, Canopies or Fixed Awnings, of the building code is hereby amended so that a subsection (f) be added thereto as follows:

"(f) The projecting edge of a structural flat soffit of a roof overhang shall be permitted, provided that it meets the following requirements:

- (1) It shall be entirely supported from the building.
- (2) It shall not project further than the curbline of the sidewalk of public property which the projection overhangs.
- (3) The soffit base of the overhang shall clear the sidewalk level a minimum of 25 feet."

(Ord. of 3-22-65, § 1)

Sec. 6-29. Permit to move buildings.

Section 2204--Moving of Buildings, of the building code is hereby amended to read as follows:

"(a) Any person desiring to move a building in, on, upon, or across the streets, alleys, or public lands of the city shall before undertaking to move the same apply for and obtain from the building inspector a permit therefor, and designating the route to be followed in so doing, showing the point of beginning and the point of ending of said route and the streets and alleys to be traversed thereby.

"(b) Upon filing a written request for said permit with the building inspector the applicant must file with the inspector a written description of the building to be moved, the route to be traversed, and the repairs or changes to be made in the building upon removal to another location. The building inspector will then promptly file a copy of said application with the public service commission, the telephone company, telegraph company, the cable television company, the police department and the planning and zoning commission, requesting approval from them of the building to be moved, the route to be traversed, and the location to which said building is to be moved and the plans and specifications of the building and the changes therein and any special requirements by any of said agencies, companies, or organizations.

"(c) Upon approval of the removing of said building and of its plans and specifications by the public service commission, the telephone company, the telegraph company, the cable television company, the police department, and the planning and zoning commission, the building inspector shall issue a permit to applicant designating the route and time for the moving of said building and transmit immediately a copy thereof to the police department.

(d) Applicant shall pay to the building inspector the sum of \$25.00 for the issuance of such permit; shall furnish the building inspector such bond or other guarantee as the building inspector may require for the payment of any damages arising from the moving and transportation of said building over the streets and public ways of the city; and pay unto the city an hourly rate of \$25.00 for each member of the Yazoo City Police Department, an hourly rate of \$10.00 for each other employee of the said city during regular work hours and one and one-half said rate at other than regular work hours necessary in the assisting of the moving and transportation of said building over the streets and public ways of said city. The building inspector shall, before the issuance of said permit, estimate the man hours required of the employees of the city necessary to safely assist the moving and transportation of said building over the streets and public ways of said city.

(Ord. of 7-8-63, §§ 1--4; Ord. of 4-27-87, § 1; Ord. of 12-12-88, § 2; Ord. of 4-24-89, § 1)
Secs. 6-30--6-39. Reserved.

ARTICLE III. DANGEROUS OR UNFIT STRUCTURES*

*Cross references: See also the housing code, adopted in § 6-70; dangerous awnings, § 18-10; dangerous signboards, § 18-11; swinging signs on Main Street, § 18-12.

State law references: Authority, Miss. Code 1972, § 43-35-103 et seq.

Sec. 6-40. Definitions.

For the purpose of this article, certain terms are hereby defined as follows:

Building: Any building or structure or part thereof used and occupied by humans as a dwelling, store, factory, or warehouse, requiring the presence of humans therein, or intended to be so used, and includes any yard, garden, parking or storage area, outhouse, and appurtenances belonging thereto or usually enjoyed therewith.

Owner: The holder of the title in fee, or a mortgagee or trustee, whose interest is shown of record, or who is in possession of a building, or any person in control of a building, or the agent of any such person.

Parties in interest: Persons who have an interest of record in or who are in possession of a building.

Public authority: Any housing authority, or any officer who is in charge of any department or branch of the government of the city or state relating to health, fire, building regulations or to other activities concerning buildings in the city.

Public officer: The building inspector of the city.

(Ord. of 7-27-64, § 2)

Sec. 6-41. Enforcing officer--Designated.

The public officer shall be in charge of carrying out the provisions of this article.

(Ord. of 7-27-64, § 3)

Sec. 6-42. Same--Powers.

The public officer shall be vested with such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this article, including the following powers, in addition to others herein granted:

- (1) To investigate the building conditions in the city in order to determine which buildings therein are unfit for human habitation, use or occupation.
- (2) To administer oaths and affirmations, examine witnesses and receive evidence. (The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the building inspector.)
- (3) To enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession.
- (4) To appoint and fix the duties of such officers, agents and employees, as he deems necessary to carry out the purpose of this article.
- (5) To delegate any of his functions and powers under this article to such officers and agents as he may designate.

(Ord. of 7-27-64, § 4)

Sec. 6-43. Filing of charges; content of notice of hearing.

Whenever a petition is filed with the public officer by a public authority or by at least five residents of the city, charging that any building is unfit for human habitation, use or occupancy, or whenever it appears to the public officer, on his own motion, that any building is unfit for human

habitation, use or occupancy, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and/or parties in interest in such premises a complaint, stating the charges in that respect and containing a notice that a hearing will be held before the public officer, or his designated agent, at a place therein stated and fixed not less than ten days nor more than 30 days after the serving of such complaint; and that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. (Ord. of 7-27-64, § 5)

Sec. 6-44. Service of complaints and orders.

Complaints or orders issued by the public officer shall be served upon persons either personally or by registered mail; but if the whereabouts of such persons is unknown, and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two successive weeks in a newspaper printed and published in the city. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order may also be filed in the proper office or offices for the filing of lis pendens notices in the county courthouse.

(Ord. of 7-27-64, § 6)

Sec. 6-45. Ordering corrective action--When building unfit for occupancy; placarding premises.

- (a) If, after such notice and hearing, the public officer determines that the building under consideration is unfit for human habitation, use or occupancy, he shall state in writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order requiring him, to the extent and within the time specified in the order, to repair, alter, or improve the building to render it fit for human habitation, use or occupancy or, at the option of the owner, to vacate and close the building as a human habitation, or for human use or occupancy.
- (b) If the owner fails to comply with such order within the time prescribed, the public officer may cause the building to be vacated and closed; the public officer may cause to be posted on the main entrance of any building so closed a placard with the following words: "This building is unfit for human habitation, use or occupancy; the use or occupation of this building by humans is prohibited and unlawful."
- (c) Any person who shall rent, lease or occupy, or who shall permit any person to rent, lease or occupy such building for human habitation, use or occupancy, shall be liable for such fine as is prescribed by section 1-8.

(Ord. of 7-27-64, § 7)

Sec. 6-46. Same--When building dangerous; performance of corrective action by city; assessing cost.

- (a) If, after notice and hearing, the public officer determines that a building is in such condition, because of dilapidation, disrepair, structural defects, or otherwise, that it is dangerous or injurious to the health or safety of the public or the occupants of buildings, or the occupants of neighboring buildings, said public officer shall issue and cause to be served upon the owner an order requiring him to repair, alter or improve such building to the extent and within the time specified in such order, or, at the option of the owner, to remove or demolish such building; if the owner fails to comply with such order within the time prescribed, the public officer may cause such building to be repaired, altered or improved in accordance with the order. If such repairs, alterations, or improvements cannot be made at a reasonable cost in relation to the value of the building, such public officer

- may cause such building to be removed or demolished.
- (b) The cost of such repairs, alterations, improvements or removal, or demolition, shall be a lien against such real estate, and assessed and collected as a special tax. The governing authority ordering such assessment shall fix a day for the hearing of objections to such assessment, and shall cause the city clerk to give to the property owner ten days' written notice, by mail, if the post-office address of the owner be known, but if the post-office address of the owner be unknown, notice shall be given by posting notice for at least ten days in five public places in the city, of the time and place for the hearing or objections to such assessment; provided, however, one of such public places for posting notice as aforesaid shall be on the land which is the subject matter of such assessment. If the amount of such special tax is not paid in full within six months from and after the date the assessment becomes final, the tax collector of the city shall proceed to advertise and sell such real estate, or a sufficient amount thereof; to recover said special tax and all costs of the sale, after having given notice of the time and place of such sale as is required by law for the sale of land for delinquent ad valorem taxes. From the proceeds of such sale, the tax collector shall first pay the cost of the sale, after which he shall pay the cost of such repairs, alterations, improvements, removal or demolition, and any amount remaining over shall be deposited by him with the clerk of the circuit court as hereinafter provided in subsection (d) of this section.
 - (c) If the building is removed or demolished by the public officer, he may sell the materials of such building, and shall credit the proceeds of such sale against the cost of the removal or demolition; and any balance remaining shall be deposited in the circuit court by the public officer.
 - (d) The balances so deposited in the circuit court under subsections (b) and (c) shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the persons found to be entitled thereto by the final award or judgment of such court; provided, however, nothing in this subsection shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(Ord. of 7-27-64, § 8)

Sec. 6-46.1. Demolition permits.

- (a) A demolition permit shall be obtained from the city by any person, company or corporation prior to demolition, in whole or in part, of any structure of interior area of more than 200 square feet.
- (b) The public officer, also known as the building inspector, upon the written request of any person, company or corporation complying with the requirements of this city, shall issue a permit to such person, company or corporation authorizing the demolition, in whole or in part, of such structure as such permit may be sought. All permits authorizing demolition of a structure within this city shall be valid for 90 days after issuance and, upon request for extension and upon showing of good cause by the applicant, the public officer shall issue another such permit as an extension thereof.
- (c) The public officer of this city shall cause to be printed an application for demolition permit, such application to require the applicant to furnish the following information:
 - (1) Name of applicant;
 - (2) Address of applicant;
 - (3) Address of property to be demolished;
 - (4) Name and address of owner of property if other than applicant;
 - (5) Description of property, as well as such other information as the public officer may deem necessary in order to allow a proper evaluation of such request.

- (d) The public officer is hereby granted the authority to require the applicant to provide proof of public liability issuance and performance bond and the posting of both when such public officer shall determine the same to be in the best interest of the city.
- (e) The public officer is hereby granted the authority to issue demolition permits upon the applicant providing all information as required by the public officer for the purpose of proper evaluation of such application.

(Ord. of 3-22-93, § 1)

Sec. 6-47. Administrative cost; accepting donations.

The governing body shall prepare an estimate of the annual expenses or costs to provide the equipment, personnel and supplies necessary for periodic examinations and investigations of the buildings in the city for the purpose of determining the fitness of such buildings for human habitation, and for the enforcement and administration of this article; and the governing body is authorized to make such appropriations from the city's revenues as it may deem necessary for this purpose, and may accept and apply grants or donations to assist the city in carrying out the provisions hereof.

(Ord. of 7-27-64, § 9)

Sec. 6-48. Utility service prohibited to buildings found to be unfit for occupancy or dangerous.

No utility, public or private, shall provide service to any existing structure found to be dangerous or unfit according to the provisions of sections 6-40 through 6-49 of this Code or new structures found not to meet the minimum requirements of chapter 6 of this Code.

(Ord. of 3-12-86, § 1)

Sec. 6-49. Powers cumulative.

Nothing in this article shall be construed to abrogate or impair the powers of any department of the city to enforce any provisions of its Charter or its ordinances or regulations, nor to prevent or punish for violations thereof; and the powers conferred by this article shall be in addition and supplemental to the powers now conferred upon the city.

(Ord. of 7-27-64, § 10; Ord. of 3-12-86, § 2)

ARTICLE IV. ELECTRICAL CODE*

*Cross references: Compliance by alcoholic beverage establishments, § 4-4.

Sec. 6-50. Code adopted.

There is hereby adopted by the city and declared operative therein for the purpose of establishing rules and regulations for the erection, construction, alteration, repair, removal, conversion and maintenance of electrical facilities, installations and equipment in homes, buildings and other installations, and for the issuances of permits, collection of fees therefor, and the making of inspections, the International Electrical Code, Edition 2003, of which not less than three copies have been and now are in the offices of the city clerk, building inspector and fire marshal of the city, and the same is hereby adopted and incorporated herein and fully as if set out at length herein, and from the effective date hereof of the provisions thereof shall be controlling and binding within the city.

(Code 1962, § 6-31; Ord. of 3-13-78, § 1; Ord. of 11-8-82, § 1; Ord. of 6-11-84, §§ 1, 2; Ord. of 1-12-87, § 1; Ord. of 5-24-93, § 1; Ord. of 1-22-96, §§ 1, 2; Ord. of 3-27-2000, §§ 1, 2; Ord. of 12-8-2003(2))

State law references: Municipal authority to adopt an election code, Miss. Code 1972, § 21-19-25.

Sec. 6-51. Compliance with procedures of building code required; schedule of fees for electrical permits.

Applications for permits by persons engaged in performing all electrical work in the city shall be made to the building inspector, permits secured therefor, and fees paid therefor, bonds given and violations thereof punished in the manner and in the procedure heretofore set forth and established and as provided in the building code, and amendments, with the exception that the fees for permits to be collected by the building inspector shall be as follows, for electrical permits:

ELECTRICAL PERMITS

Fee

Base filing fee . . . \$4.00
Per branch circuit . . . 1.00
Electrical range . . . 2.00
Electrical dryer . . . 2.00
Central air conditioning unit . . . 5.00
Window air conditioning unit . . . 2.00
Washing machine . . . 1.00
Dishwasher . . . 1.00
Heating unit . . . 2.00
Attic fan . . . 1.00
Sign circuit . . . 2.00
Gasoline or electric pump . . . 2.00
Gasoline or electric motor . . . 2.00
Residential utility service . . . 3.00
Commercial utility service . . . 5.00
(Code 1962, § 6-32; Ord. of 12-12-88, § 3)
Secs. 6-52--6-59. Reserved.

ARTICLE V. GAS CODE*

***Cross references: Compliance by alcoholic beverage establishments, § 4-4.**

Sec. 6-60. Code adopted.

There is hereby adopted by the city and declared operative therein for the purpose of establishing regulations for the installation, alteration and maintenance of gas piping and appliances and facilities in the city, and for the licensing of persons engaging in such work and the issuance of permits and collection of fees therefor, the International Gas Code, 2003 Edition, save and except for such portions as are hereinafter deleted, modified or amended, of which not less than three copies have been and now are in the offices of the city clerk, building inspector and fire marshal of the city, and the same is hereby adopted and incorporated herein and fully as if set out at length herein, and from the date hereof of the provisions thereof shall be controlling and binding within the city.

(Code 1962, §§ 6-41, 6-45; Ord. of 3-13-78, § 1; Ord. of 11-8-82, § 1; Ord. of 5-12-86, § 1; Ord. of 1-22-96, §§ 1, 2; Ord. of 3-27-2000, §§ 1, 2; Ord. of 12-8-2003(3))

State law references: Municipal authority to adopt a gas code, Miss. Code 1972, § 21-19-25.

Sec. 6-61. Compliance with procedures of code required.

The licensing of persons therefor, the requirement for the issuance of permits therefor, the provisions for the inspection of such installations, alteration and maintenance, appliances and

facilities, and the bonds required and appeals from the decisions of the city inspector, shall all be governed and required as provided for plumbers in the plumbing code.

(Code 1962, § 6-43)

Sec. 6-62. Schedule of fees.

The installation of natural gas piping and appliance fees [shall be as follows:]

Base filing fee . . . \$4.00

Gas range . . . 2.00

Gas central heating . . . 5.00

Gas piping: 1 to 5 outlets . . . 3.00

Gas piping: 5 outlets and up . . . 1.00

(Ord. of 12-12-88, § 4)

Editor's note: Ordinance of Dec. 12, 1988, § 4, purported to amend the Code at § 6-61; at the discretion of the editors, said provisions have been codified herein as § 6-62.

Secs. 6-63--6-69. Reserved.

ARTICLE VI. HOUSING CODE

Sec. 6-70. Code adopted.

There is hereby adopted by the city and declared operative therein for the purpose of establishing regulations for the minimum standards for dwellings, apartments and buildings, their use, occupancy, light, ventilation, plumbing, heating, space, location, safety, sanitation, the care of facilities, the equipment and structures, and the power and duties of the building inspector, the International Housing Code, 2003 Edition, save and except those certain portions as are hereinafter deleted, modified or amended, of which code no less than three copies have been and now are in the offices of the city clerk, building inspector and fire marshal of the city, and the same is hereby adopted and incorporated herein and fully as if set out at length herein, and from the date hereof of the provisions thereof shall be controlling within the city.

(Code 1962, § 6-51; Ord. of 3-13-78, § 1; Ord. of 11-8-82, § 1; Ord. of 5-12-86, § 1; Ord. of 9-9-91, §§ 1, 2; Ord. of 1-22-96, §§ 1, 2; Ord. of 3-27-2000, §§ 1, 2; Ord. of 12-8-2003(4))

State law references: Municipal authority to adopt code, Miss. Code 1972, § 21-19-25.

Sec. 6-71. Definitions.

Housing board of adjustment and appeals. Whenever the term "housing board of adjustments and appeals" is used in the housing code it shall mean the board of adjustments heretofore designated, provided for and established under the city zoning ordinance.

(Code 1962, § 6-52)

Sec. 6-72. Code amendments.

Sections numbered 106.1 and 106.2 of the housing code, pertaining to housing board of adjustments and appeals, are deleted therefrom.

(Code 1962, § 6-53)

Secs. 6-73--6-79. Reserved.

ARTICLE VII. MECHANICAL CODE

Sec. 6-80. Code adopted.

There is hereby adopted by the city and declared operative therein for the purpose of establishing rules and regulations for the erection, construction, enlargement, alteration, repair, moving, removing, conversion, and/or demolition of air conditioning, heating and ventilation equipment, and all matters regulated therein, and such facilities in the city and for the issuance or permits and collection of fees therefore, the International Mechanical Code, 2003 Edition, save and except those certain portions as are hereinafter deleted, modified or amended, of which code no less than three copies have been and now are in the offices of the city clerk, building inspector and fire marshal of the city, and the same is hereby adopted and incorporated herein and fully as

if set out at length herein, and from the date hereof of the provisions thereof shall be controlling within the city.

(Ord. of 1-9-67, § 1; Ord. of 1-26-76, § 1; Ord. of 6-11-84, §§ 1, 2; Ord. of 5-12-86, § 1; Ord. of 9-9-91, §§ 1, 2; Ord. of 1-22-96, §§ 1, 2; Ord. of 3-27-2000, §§ 1, 2; Ord. of 12-8-2003(5))
Secs. 6-81--6-89. Reserved.

ARTICLE VIII. PLUMBING CODE*

***Cross references: Compliance by alcoholic beverage establishments, § 4-4; connections to sanitary sewers, § 13-51; utilities, Ch. 22; correction of defective plumbing, § 22-23.**

Sec. 6-90. Code adopted.

There is hereby adopted by the city and declared operative therein for the purpose of establishing rules and regulations for the erection, construction, enlargement, alteration, repair, moving, removing, conversion, and/or demolition of plumbing and plumbing facilities in the city and for the issuance of permits and collection of fees therefore, the International Plumbing Code, 2003 Edition, save and except those certain portions as are hereinafter deleted, modified or amended, of which code no less than three copies have been and now are in the offices of the city clerk, building inspector and fire marshal of the city, and the same is hereby adopted and incorporated herein and fully as if set out at length herein, and from the date hereof of the provisions thereof shall be controlling within the city.

(Code 1962, § 6-61; Ord. of 10-11-65, § 1; Ord. of 1-23-67; Ord. of 10-13-69, § 1; Ord. of 12-27-71, § 1; Ord. of 1-26-76, § 1; Ord. of 11-8-82, § 1; Ord. of 5-12-86, § 1; Ord. No. 9-9-91, §§ 1, 2; Ord. of 1-22-96, §§ 1, 2; Ord. of 3-27-2000, §§ 1, 2; Ord. of 12-8-2003(6))

State law references: Municipal authority to adopt a plumbing code, Miss. Code 1972, § 21-19-25.

Sec. 6-91. Amendments to code.

Section 109.1 is added to the plumbing code so as to require a bond of a person engaged in plumbing in the sum of \$2,000.00, to be approved by the building inspector.

(Code 1962, § 6-63)

Sec. 6-92. Schedule of fees.

The plumbing fees [shall be as follows:]

Base filing fee . . . \$4.00

House sewer . . . 2.00

Septic tank . . . 5.00

Water piping . . . 2.00

Water heater . . . 2.00

Any type repair, each fixture, trap or floor drain . . . 1.00

(Ord. of 12-12-88, § 5)

Editor's note: Ordinance of Dec. 12, 1988, § 5, purported to amend the Code at § 6-90, at the discretion of the editors, said provisions have been codified herein as § 6-92.

Secs. 6-93--6-99. Reserved.

ARTICLE IX. RESIDENTIAL CARE HOME*

***Editor's note: Sections 1 and 2 of an ordinance adopted Aug. 26, 1985, being nonamendatory of the Code, have been included herein as Art. IX, §§ 6-100--6-106, at the editor's discretion.**

Cross references: Fire protection and prevention, § Ch. 11.

Sec. 6-100. Definitions.

As used in this article, the following words shall have the meanings ascribed to them in this section, unless the context indicates otherwise:

Dwelling: A building designed or used for permanent living quarters for one or more families.

Resident (of a residential care home): A person who because of mental infirmities is in need of assistance with his activities of daily living.

Residential care home: A dwelling which provides care to ten or fewer residents who are not in need of nursing care or confinement to a nursing home but who because of mental infirmities are in need of assistance with their activities of daily living, but shall not include any health care facility which is licensed by the state.

(Ord. of 8-26-85, § 1)

Sec. 6-101. Construction--Generally.

- (a) Interior materials and finishes shall be Class B as defined by Section 255 of the National Fire Protection Association (NFPA), 1985 edition, except those materials and finishes in corridors and stairwell enclosures shall be Class A as so defined.
- (b) All floor coverings shall meet the standards of Section 253 of NFPA (1985).
- (c) No dead-end corridor shall be more than 20 feet in length.
- (d) All bedrooms shall have one operable outside window which said window shall not be below ground level.

(Ord. of 8-26-85, § 2(A))

Sec. 6-102. Same--Stairways.

A stairway in any residential care home shall meet the following minimum requirements:

- (1) Hand rails on each side;
- (2) A door with one hour fire rating between each floor, said door to be a minimum of three feet, six inches wide, to swing in the direction of exit and have a minimum fire rating of one hour;
- (3) All portions of any stairway shall be approved for a minimum of one hour fire rating.

(Ord. of 8-26-85, § 2(B))

Sec. 6-103. Same--Exits, exit doors and exit lights.

Any residential care home shall have two approved exits from each level. To be approved, an exit must meet the following minimum requirements:

- (1) Exit doors and exit access doors shall be a minimum of 36 inches in width;
- (2) No approved exit shall be through a kitchen area;
- (3) A bedroom existing within dwellings with an outside stairwell constructed of noncombustible materials and protected openings may be approved;
- (4) Exit access corridors shall meet the minimum standards of Section 1104.4 of the Southern Building Code;
- (5) No emergency exit shall be constructed to utilize ropes, wooden ladders or chain links;
- (6) Exits must be lighted with exit signs which conform with the Standard Fire Prevention Code if:
 - a. Said dwelling is a two-story home; or
 - b. Said exit is, as determined by the fire marshal or building inspector of Yazoo City or any other person authorized by any federal, state or local law or ordinance to inspect residential care homes or similar facilities, not to be

- clearly identifiable as an exit;
- (7) Exits shall be equipped with UL-approved emergency lighting systems to be used in the case of an electrical power failure. Lighting shall be sufficient to allow safe egress from said dwelling and shall be located in corridors, stairwell and at exit doors.

(Ord. of 8-26-85, § 2(c))

Sec. 6-104. Same--Kitchens.

- (a) A residential care home may utilize residential cooking equipment so long as said kitchen is separated from the remainder of the house with one hour fire rated construction.
- (b) Commercial cooking equipment shall comply with the Standard Mechanical Code (1982) and NFPA (1985), Section 96.
- (c) A minimum of a 20-BC rated portable fire extinguisher shall be provided and maintained in all kitchen facilities.

(Ord. of 8-26-85, § 2(D))

Sec. 6-105. Same--Utilities.

- (a) All utilities in a residential care home shall be in compliance with the National Electrical Code and city plumbing code.
- (b) Central or UL-approved window-type heating units shall be permissible for use when designed and installed so that combustible materials will not be ignited. Any heating device utilizing natural gas or liquid petroleum gas shall have the following features:
- (1) Outside vents;
 - (2) Fuel supply shut-off valve that shuts off 100 percent of fuel in the event of flame extinguishment;
 - (3) Be American Gas Association (AGA) approved.
- (c) No person shall be permitted to repair, replace or install any heating appliance or any electrical wiring unless such person is licensed by the city, and obtains a building permit from the building department.

(Ord. of 8-26-85, § 2(E))

Cross references: License required for installation or repair of plumbing, electrical wiring, gas fitting, etc., § 22-24.

Sec. 6-106. Same--Fire prevention.

All residential care homes shall have the following minimum fire prevention standards:

- (1) *Fire alarms.*
- a. Single-story residential care homes shall have UL-approved electrical single station fire and smoke detectors in each bedroom and storage room; and interconnected UL-approved electrical smoke detectors in corridors spaced at a distance of 30 feet.
 - b. Two-story residential care homes shall have an approved sprinkler system unless the same shall have an approved smoke detection system throughout the entire dwelling.
 - c. A manual fire alarm system approved by the city fire department on each floor.
- (2) All hazardous areas including central heat room, storage room, soiled linen rooms and kitchens shall be protected by a one hour fire rated enclosure with approved doors having self-closers.
- (3) Fire extinguishers shall be provided and maintained as provided by NFPA (1985), Section 10.
- (4) A telephone shall be required for the purpose of reporting emergencies.
- (5) A pre-fire plan shall be prepared by the operator of the residential care home and

approved by the city fire department. The pre-fire plan shall include the following:

- a. A drawing of the evacuation route from each floor.
- b. A program of fire drills to be conducted in conjunction with the city fire department at 60-day intervals.
- c. A program for training all employees in the use of fire prevention devices.
- d. Fire prevention devices be posted in a conspicuous location within the dwelling.

(Ord. of 8-26-85, § 2(F))

Cross references: Fire protection and prevention, Ch. 11.

Chapter 7 CEMETERIES*

***Charter references: Authority to regulate operation of cemeteries, § 14(17).**

State law references: Municipal authority to acquire property for a cemetery, Miss. Code 1972, § 21-17-1; to exercise power of eminent domain therefor, § 21-37-47; to maintain, repair and enlarge same, § 21-37-21; to levy a tax for the upkeep of same, § 21-33-89.

[Sec. 7-1. City sexton--Office established; bond, oath.](#)

[Sec. 7-2. Same--Street commissioner may act.](#)

[Sec. 7-3. Same--Deposit of moneys in city treasury.](#)

[Sec. 7-4. Supervision of cemetery grounds and property.](#)

[Sec. 7-5. Sale of lots--Plat; prices; receipts.](#)

[Sec. 7-6. Same purchaser to receive deed.](#)

[Sec. 7-7. Charge for opening graves.](#)

[Sec. 7-8. Entering Glenwood Cemetery at night.](#)

[Sec. 7-9. Destruction, removal of shrubbery.](#)

[Sec. 7-10. Aboveground burial vaults prohibited.](#)

Sec. 7-1. City sexton--Office established; bond, oath.

The office of city sexton is hereby established. Before entering upon the duties of his office, the city sexton shall give the appropriate bond, and shall take the oath prescribed for other city officers.

(Code 1962, § 7-1)

Sec. 7-2. Same--Street commissioner may act.

The governing body may in its discretion elect the street commissioner to the office of city sexton, in which event all of the duties of the city sexton shall be performed by the street commissioner. The street commissioner shall continue in such office at the pleasure of the governing body, shall be furnished with such assistants or helpers as said governing body may deem necessary and may prescribe by resolution. The additional compensation to be paid the street commissioner for the performance of the duties of city sexton, and the compensation of assistants or helpers, if any, shall be such as may be prescribed by resolution of the governing body.

(Code 1962, § 7-5)

Sec. 7-3. Same--Deposit of moneys in city treasury.

The sexton shall pay into the city treasury all money collected by him, and file the receipt therefor with his monthly report to the governing body.

(Code 1962, § 7-4)

Sec. 7-4. Supervision of cemetery grounds and property.

The sexton shall exercise strict supervision over the grounds and property in the cemeteries, promptly prosecute all persons depredating or trespassing on the same and promptly report to the governing body all repairs needed on the fences and grounds thereof. He shall

moreover do and perform all such other acts and duties as may from time to time be required of him by the governing body.

(Code 1962, § 7-3)

Sec. 7-5. Sale of lots--Plat; prices; receipts.

- (a) *Plat; records: The sexton shall keep a map or plat of the survey and numbers of all lots in the cemeteries of the city, and a record in a well-bound book of the numbers of lots sold by him, the name of persons purchasing same, the date of such purchase and the amount for which each lot was sold.*
- (b) *Uniform fee for grave spaces:*
 - (1) *Established. There is hereby established a uniform fee for the purchase of grave spaces in Glenwood Cemetery and its additions in the amount of \$202.00 for each space, including perpetual care thereupon.*
 - (2) *Perpetual care--Fee. There is hereby established a uniform fee for the purchase of perpetual care of grave spaces in Glenwood Cemetery in the amount of \$100.00.*
 - (3) *Same--Required. No grave space in Glenwood Cemetery and its addition shall be sold by the city to any individual, organization or corporation without the assessment of and collection for perpetual care thereupon.*
- (c) *Receipts: The sexton shall collect the money for every lot so sold by him, and give the purchaser a receipt for the same, stating in the receipt the number of the lot paid for.*

(Code 1962, § 7-2; Ord. of 9-30-68, § 1; Ord. of 9-8-86, §§ 1--3)

Editor's note: Ord of Sept. 8, 1986, §§ 1--3, did not specifically amend the Code, therefore the codification of the provisions as superseding § 7-5(b) was at the discretion of the editor upon the advice of the city.

Sec. 7-6. Same purchaser to receive deed.

The purchaser of every cemetery lot shall present the receipt given him by the sexton to the mayor, whose duty it shall be to execute a deed to the same.

(Code 1962, § 7-6)

Sec. 7-7. Charge for opening graves.

The charges to be made for opening graves and other services in the city cemetery shall be such as may be fixed by the governing body by resolution duly entered on its minutes.

(Code 1962, § 7-7)

Sec. 7-8. Entering Glenwood Cemetery at night.

It shall be unlawful for any person to enter into and upon that area in the city, and adjacent to the city, known as Glenwood Cemetery between the hours of sunset and sunrise unless such person is engaged in working in said cemetery or carrying on a lawful pursuit therein, or required by legitimate business to enter therein.

(Ord. of 11-10-69, § 1)

Sec. 7-9. Destruction, removal of shrubbery.

It shall be unlawful for any person to remove or pull from any lot in the cemeteries or damage or destroy without lawful authority any flowers or other shrubbery.

(Code 1962, § 7-8)

Sec. 7-10. Aboveground burial vaults prohibited.

- (a) *Generally. It shall be unlawful for any person, firm or corporation to install or permit to be installed within the grounds of Glenwood Cemetery or any additions thereto within the corporate limits of the city, any aboveground or partially aboveground burial vault.*
- (b) *Involvement of city employees. All city employees are hereby prohibited from installing, placing, setting or allowing to be installed, placed or set within the grounds of Glenwood*

- Cemetery and any addition thereof any aboveground or partially above ground burial vault.*
- (c) *Provisions included on deeds. The mayor and city clerk be, and the same are hereby, authorized and directed to cause to be placed on all future deeds issued by the City of Yazoo City, Mississippi, covering lots in Glenwood Cemetery and its addition the following:*
"The use and installation of aboveground burial vaults is prohibited by ordinances of the City of Yazoo City, Mississippi."

(Ord. of 6-19-86, §§ 1--3)

Editor's note: Ord. of June 9, 1986, §§ 1--3, did not specifically amend the Code, hence inclusion herein as § 7-10 was at the discretion of the editor.

Cross references: Deeds, § 7-6.

Chapter 8 COURT AND CRIMINAL PROCEDURE*

***Cross references: Penalty for violating Code, § 1-8.**

[Sec. 8-1. Police court established.](#)

[Sec. 8-2. Police justice and prosecuting attorney, and alternates--Designating.](#)

[Sec. 8-3. Same--Compensation as fixed.](#)

[Sec. 8-4. Same--Powers, duties, jurisdiction of police justice.](#)

[Sec. 8-5. Court clerk.](#)

[Sec. 8-6. Executive officer and deputies of police court.](#)

[Sec. 8-7. Who may make arrest.](#)

[Sec. 8-8. Time or place of arrest.](#)

[Sec. 8-9. Arrest without warrant.](#)

[Sec. 8-10. Officers may summon bystanders.](#)

[Sec. 8-11. Accused to know cause of arrest.](#)

[Sec. 8-12. Delivery of defendant to proper officer.](#)

[Sec. 8-13. Custody of city prisoners.](#)

[Sec. 8-14. Expense of keeping city prisoners.](#)

[Sec. 8-15. Crime stoppers program.](#)

Sec. 8-1. Police court established.

A police court as provided for by section 21-23-1, Mississippi Code 1972, is hereby established for the city.

(Code 1962, § 15-75; Ord. of 10-10-69, § 1)

Charter references: City court, § 22 et seq.

Sec. 8-2. Police justice and prosecuting attorney, and alternates--Designating.

A police justice and prosecuting attorney as required by section 21-23-3, Mississippi Code 1972, in accordance with the aforesaid law shall perform the duties of such respective offices as set out by the laws of the state, but in the event of the disability to perform such duties, or absence from the city, such respective duties shall devolve upon and be performed by an alternate police justice and an alternate prosecuting attorney who shall likewise be designated by the governing body and who shall possess all of the prerequisites required by said laws.

(Code 1962, §§ 15-76, 15-78; Ord. of 10-10-69, § 2)

Sec. 8-3. Same--Compensation as fixed.

The compensation of such police justice and prosecuting attorney and of any such alternate officers shall be fixed by resolution of the governing body.

(Ord. of 10-10-69, § 3)

Sec. 8-4. Same--Powers, duties, jurisdiction of police justice.

The police justice shall have, in addition to the powers, duties and jurisdiction as herein provided for, all the powers, duties and jurisdiction in the administration of said police court as have been heretofore by charter, ordinance, statute or otherwise vested in the mayor as judge of

said police court.

(Code 1962, § 15-77)

Charter references: Authority and jurisdiction of mayor as presiding officer of city court, §§ 22--28.

State law references: Powers and duties, Miss. Code 1972, § 21-23-7.

Sec. 8-5. Court clerk.

There is hereby created and established the office of police court clerk, which officer shall have the powers and duties as prescribed in section 21-23-11, Mississippi Code 1972. Such office shall be filled by a duly qualified elector, citizen and resident of the city as required by law, duly designated and appointed by resolution of the governing body, to receive such compensation as may be fixed and determined by resolution of the governing body.

(Code 1962, § 15-76)

State law references: City clerk constituted police court clerk, unless otherwise ordained, Miss. Code 1972, § 21-23-11.

Sec. 8-6. Executive officer and deputies of police court.

The marshal or chief of police of the city shall be the executive officer of the police court and may, by resolution of the governing body, act as and serve as clerk of said court, and said marshal or chief of police or the police justice may appoint such deputies as may be needed for the business of said court.

(Code 1962, § 15-79)

State law references: Similar provisions, Miss. Code 1972, § 21-23-13.

Sec. 8-7. Who may make arrest.

Arrests for crimes and offenses against the laws of the city or of the state may be made by any peace officer of the county, or the mayor, marshal or chief of police, any policeman of the city, or by any private person.

(Code 1962, § 15-65)

State law references: Similar provision, Miss. Code 1972, § 99-3-1.

Sec. 8-8. Time or place of arrest.

Arrests for offenses committed, or to prevent a breach of the peace or the commission of a crime, may be made at any time or place.

(Code 1962, § 15-67)

State law references: Similar provision, Miss. Code 1972, § 99-3-3.

Sec. 8-9. Arrest without warrant.

Any officer of the city or private person therein, may arrest any person without warrant for any indictable offense committed, or breach of the peace threatened or attempted in his presence; or when such person has committed a felony, though not in his presence; or when a felony has been committed and he has reasonable ground to suspect or suppose that the person to be arrested has committed it.

The mayor, marshal or chief of police, any policeman, any private person may arrest any person without warrant for the violation of any law of the city committed in his presence, or when such person has violated any law or ordinance, though not in his presence, and is endeavoring to escape. In all other cases before making arrests, warrants therefor must be first obtained from the mayor; provided however, that when appearance of offenders may be had without warrant no warrant need be issued.

(Code 1962, §§ 15-68, 15-69)

State law references: Similar provision, Miss. Code 1972, § 99-3-7.

Sec. 8-10. Officers may summon bystanders.

All officers of the city shall have the power to summon any bystander to assist them in the

execution of their duties, and any person so summoned who shall fail or refuse to render the required assistance, shall upon conviction be fined as provided in section 1-8.

(Code 1962, § 15-72)

Cross references: Abusing, etc. officers, 15-3.

State law references: For duty of bystanders to assist arresting officer, see Miss. Code 1972, § 99-3-5.

Sec. 8-11. Accused to know cause of arrest.

In all cases of arrest without warrant, the person making such arrest must inform the accused of the object and cause of such arrest, except when he is in the actual commission of the offense, or is arrested in pursuit.

(Code 1962, § 15-70)

State law references: Similar requirement, Miss. Code 1972, § 99-3-7.

Sec. 8-12. Delivery of defendant to proper officer.

Every person making an arrest in the city shall deliver the person arrested to the keeper of the city or county jail, and report such arrest and the cause thereof to the mayor, or marshal or chief of police, without delay.

(Code 1962, § 15-71)

State law references: Similar requirement, Miss. Code 1972, § 99-3-17.

Sec. 8-13. Custody of city prisoners.

The mayor is hereby authorized to provide for the proper guarding of city prisoners and is further hereby authorized, subject to the approval of the governing body to contract with the proper county authorities for the use of the county jail for city prisoners, and for their maintenance and subsistence therein.

(Code 1962, § 15-8)

Sec. 8-14. Expense of keeping city prisoners.

The maintenance and subsistence of city prisoners whether under sentence of imprisonment or in discharge of a fine, or fine and costs, shall be borne by the city.

(Code 1962, § 15-81)

Sec. 8-15. Crime stoppers program.

(a) A surcharge of \$2.00 shall be added to all fines for misdemeanor offenses except those for vehicular parking and registration for the purpose of funding the city's participation in the statewide crime stoppers program as authorized by MCA 1972, § 45-39-17.

(b) All funds collected as provided herein shall be deposited with the Mississippi Department of Public Safety as provided by statute.

(Ord. of 12-13-2004)

Chapter 9 ELECTIONS*

***Charter references:** Provisions as to registration of voters, change of ward boundaries, §§ 31--40; as to conduct of elections, qualifications of electors, special elections, §§ 41--57.

State law references: As to municipal elections, Miss. Code 1972, § 21-11-1 et seq.; state election law, § 21-1-1 et seq.

[Sec. 9-1. Wards established, fixed.](#)

[Sec. 9-2. City clerk to conform register, poll books.](#)

[Sec. 9-3. Voting precinct designated for Ward 1.](#)

[Sec. 9-4. Voting precinct designated for Ward 2.](#)

[Sec. 9-5. Voting precinct designated for Ward 3.](#)

[Sec. 9-6. Voting precinct designated for Ward 4.](#)
[Sec. 9-7. Qualifications of electors.](#)
[Sec. 9-8. Form of registration books to be kept by the city clerk.](#)
[Sec. 9-9. Form of poll books--Generally.](#)
[Sec. 9-10. Same--Separate alphabetical books.](#)
[Sec. 9-11. When electors may register; oath.](#)
[Sec. 9-12. Registration books constitute true lists.](#)
[Sec. 9-13. Only qualified electors eligible for municipal office.](#)
[Sec. 9-14. Loss, destruction of registration books within four months of election.](#)
[Sec. 9-15. Disturbing elections prohibited.](#)
[Sec. 9-16. Taking, removing ballots prohibited.](#)

Sec. 9-1. Wards established, fixed.

The city shall be and is hereby divided into four wards.

Ward One is described as follows:

Beginning at the intersection of the centerline of U.S. Highway 49 with the south boundary of the city in Section 34, Township 12 North, Range 2 West, Yazoo County, Mississippi; run thence northerly along the centerline of said highway until its intersection with Twelfth Street; run thence westerly along the centerline of Twelfth Street to its intersection with Walthall Street; thence southerly along the centerline of Walthall Street to its intersection with Tenth Street; thence westerly along the centerline of Tenth Street to its intersection with Grady Avenue; thence southerly along the centerline of Grady Avenue to its intersection with Third Street; thence westerly along the centerline of Third Street to its intersection with Calhoun Avenue; thence southerly along the centerline of Calhoun Avenue to its intersection with North Street; thence southerly along the centerline of North Street to its intersection with Yazoo Street; thence southerly along the centerline of Yazoo Street to its intersection with Grace Street; thence westerly along the centerline of Grace Street to its intersection with Monroe Street; thence southerly along the centerline of Monroe Street to its intersection with Ridge Road; thence southerly along the centerline of Ridge Road to its intersection with Holmes Street; thence westerly along the centerline of Holmes Street to its intersection with Washington Street; thence northeasterly along the centerline of Washington Street to its intersection with Bridge Street; thence westerly along the centerline of Bridge Street to its intersection with River Road; thence southerly along the centerline of River Road until it intersects the Old Channel of the Yazoo River; thence westerly along the centerline of the Old Channel of the Yazoo River and the westerly extension thereof until it intersects with the low water line of the east bank of the Yazoo River and the western boundary of the city; thence southerly along the western boundary of the city to the south boundary of the city; thence easterly along the south boundary of the city to the point of beginning.

Ward Two is described as follows:

Beginning at the intersection of U.S. Highway 49 with the south boundary of the city in Section 34, Township 12 North, Range 2 West, Yazoo County, Mississippi; run thence northerly along the centerline of said highway until its intersection with Twelfth Street; thence westerly along the centerline of Twelfth Street to its intersection with Walthall Street; thence southwesterly along the centerline of Walthall Street to its intersection with Tenth Street; thence westerly along the centerline of Tenth Street to its intersection with Grady Avenue; thence southerly along the centerline of Grady Avenue to its intersection with Third Street; thence westerly along the centerline of Third Street to its intersection with Jackson Avenue; thence northerly along the centerline of Jackson Avenue to its intersection with Tenth Street; thence westerly along the centerline of Tenth Street to its intersection with Grand Avenue; thence northerly along the centerline of Grand Avenue to its intersection with Seventh Street; thence westerly along the centerline of Seventh Street to its intersection with Barnwell Avenue; thence northerly along the centerline of Barnwell Avenue to its intersection with Eighteenth Street; thence westerly along the centerline of Eighteenth Street to its intersection with Wheless Street; thence northerly along the

centerline of Wheless Street to its intersection with Nineteenth Street; thence westerly along the centerline of Nineteenth Street to its intersection with Gordon Avenue; thence northerly and westerly along the centerline of Gordon Avenue to the western boundary of the city; thence northerly along the western boundary of the city to the north boundary of the city; thence easterly along the north boundary of the city to the east boundary of the city; thence southerly along the east boundary of the city to the south boundary of the city; thence westerly along the south boundary of the city to the point of beginning.

Ward Three is described as follows:

Beginning at the intersection of Calhoun Avenue and Third Street; thence southerly along the centerline of Calhoun Avenue to its intersection with North Street; thence southerly along the centerline of North Street to its intersection with Yazoo Street; thence southwesterly along the centerline of Yazoo Street to its intersection with Grace Street; thence westerly along the centerline of Grace Street to its intersection with Monroe Street; thence southerly along the centerline of Monroe Street to its intersection with Ridge Road; thence southerly along the centerline of Ridge Road to its intersection with Holmes Street; thence northwesterly along the centerline of Holmes Street to its intersection with Washington Street; thence northerly along the centerline of Washington Street to its intersection with Bridge Street; thence westerly along the centerline of Bridge Street to its intersection with River Road; thence southerly along the centerline of River Road until it intersects the Old Channel of the Yazoo River; thence westerly along the centerline of the Old Channel of the Yazoo River and the westerly extension thereof until it intersects with the low water line of the east bank of the Yazoo River and the western boundary of the city; thence northerly along the west boundary of the city with its meanderings to its intersection with W. Seventh Street; thence east along the centerline of W. Seventh Street to its intersection with Maynie Avenue; thence south along the centerline of Maynie Avenue to its intersection with Sixth Street; thence east along the centerline of Sixth Street to its intersection with Dr. Martin Luther King, Jr. Drive; thence south along the centerline of Dr. Martin Luther King, Jr. Drive to its intersection with Fifty Street; thence southeasterly along the centerline of Fifty Street to its intersection with Lamar Avenue; thence southerly along the centerline of Lamar Avenue to its intersection with Third Street; thence easterly along the centerline of Third Street to its point of beginning.

Ward Four is described as follows:

Beginning at the intersection of the centerline of W. Seventh Street and the west boundary of the city in Section 34, Township 23 North, Range 2 West, Yazoo County, Mississippi; run northerly along the west boundary of the city until its intersection with Gordon Avenue; thence easterly and southerly along the centerline of Gordon Avenue to its intersection with Nineteenth Street; thence easterly along the centerline of Nineteenth Street to its intersection with Wheless Street; thence southerly along the centerline of Wheless Street to its intersection with Eighteenth Street; thence easterly along the centerline of Eighteenth Street to its intersection with Barnwell Avenue; thence southerly along the centerline of Barnwell Avenue to its intersection with Seventh Street; thence easterly along the centerline of Seventh Street to its intersection with Grand Avenue; thence southerly along the centerline of Grand Avenue to its intersection with Tenth Street; thence easterly along the centerline of Tenth Street to its intersection with Jackson Avenue; thence southerly along the centerline of Jackson Avenue to its intersection with Third Street; thence westerly along the centerline of Third Street to its intersection with Fifth Street; thence westerly along the centerline of Fifth Street to its intersection with Dr. Martin Luther King, Jr. Drive; thence northerly along the centerline of Dr. Martin Luther King, Jr. Drive to its intersection with Sixth Street; thence westerly along the centerline of Sixth Street to its intersection with Maynie Avenue; thence northerly along the centerline of Maynie Avenue to its intersection with W. Seventh Street; thence westerly along W. Seventh Street to the point of beginning.

(Code 1962, § 9-1; Ord. (1) of 2-28-77, § 1; Ord. of 11-12-84, § 1; Ord. of 9-26-94, § 1)

Charter references: Authority to divide the city into wards, define the boundaries thereof, § 14(28).

Sec. 9-2. City clerk to conform register, poll books.

The city clerk shall change the register of electors and poll books of the city to conform to the boundary lines of said four wards designated in section 9-1 so that the names of such electors shall only appear on the register and poll books of the ward in which they reside as so designated. (Code 1962, § 9-2; Ord. of 3-14-77, § 1)

Cross references: Duties of city clerk, § 16-32.

Sec. 9-3. Voting precinct designated for Ward 1.

The voting precinct or polling place in all city elections for Ward 1 of the city shall be and is hereby designated as the school building of the Yazoo City Municipal Separate School District situated at the intersection of Canal Street and College Street. (Code 1962, § 9-3; Ord. (2) of 2-28-77, § 1)

Sec. 9-4. Voting precinct designated for Ward 2.

The voting precinct or polling place in all city elections for Ward 2 of the city shall be and is hereby designated as the Teen Center building located at the intersection of Twelfth Street and Jackson Avenue.

(Code 1962, § 9-4; Ord. of 1-9-67, § 1; Ord. (3) of 2-28-77, § 1)

Sec. 9-5. Voting precinct designated for Ward 3.

The voting precinct or polling place in all city elections for Ward 3 of the city shall be and is hereby designated as the meeting room of the Rick's Memorial Library located on Powell Street in the city.

(Code 1962, § 9-4.1; Ord. (4) of 2-28-77, § 1; Ord. of 11-25-85, § 1)

Sec. 9-6. Voting precinct designated for Ward 4.

The voting precinct or polling place in all city elections for Ward 4 of the city shall be and is hereby designated as the L. T. Miller Community Center on Lamar Street in the city.

(Code 1962, § 9-4.2; Ord. (5) of 2-28-77, § 1)

Sec. 9-7. Qualifications of electors.

Every person who is a qualified elector of the county and who is a resident within the corporate limits of the city and who is not otherwise disqualified from voting, shall be entitled to register and vote at all municipal elections. No person shall be allowed to vote unless he shall be registered in the municipality 30 days before the election at which he offers to vote.

(Code 1962, § 9-5; Ord. (6) of 2-28-77, § 1)

Sec. 9-8. Form of registration books to be kept by the city clerk.

The city clerk shall procure registration books, which shall be in the following form: There shall be printed at the top of each page the oath prescribed in section 9-11 and beneath shall be ruled appropriate columns with printed or written headings, indicating the date of registration, names of elector, color, occupation, if employed by whom and where, whether elector reads or understands when read to him, or can give a reasonable interpretation of the constitution of the state, signature of the elector.

(Code 1962, § 9-6)

State law references: To conform to county registration books, Miss. Code 1972, § 21-11-3.

Sec. 9-9. Form of poll books--Generally.

The city clerk shall procure poll books as directed in the City Charter, which shall have printed or written at the top of each page words to designate the ward in the city for which it is to be used, and shall be ruled in appropriate columns with printed or written headings indicating the

date of registration, the name of elector, color, and a number of blank columns for the dates of elections; and each of said columns shall be filled according to the facts in the case of every elector.

(Code 1962, § 9-7)

Charter references: See § 31.

State law references: Form of election district poll books, Miss. Code 1972, § 23-5-73.

Sec. 9-10. Same--Separate alphabetical books.

The city clerk is authorized and directed to separate the poll books of Ward Number One into three books, listing the qualified electors in alphabetical sequence of their surnames so as to have in one book those surnames beginning with the letters "A" to "G", in another book those surnames beginning with the letters "H" to "N," and in another book those surnames beginning with the letters "O" to "Z" and to separate the poll books of Ward Number Two into three books, the first to contain the surnames beginning with the letters "A" to "G," the second to contain the surnames beginning with the letters "H" to "O", and the third to contain the surnames beginning with the letters "P" to "Z". Separate poll books shall be used under the above designation in Ward Number One and in Ward Number Two.

(Ord. of 2-28-72, § 1)

Sec. 9-11. When electors may register; oath.

Persons entitled to be registered may register at any time, except between the meeting of the governing body next before any election to revise the registration lists and the date of such election, upon application to the registrar, and upon taking the following oath or affirmation: "I do solemnly swear (or affirm) that I am a qualified elector of the County of Yazoo; so help me God."

(Code 1962, § 9-8)

Sec. 9-12. Registration books constitute true lists.

The registration books of the city shall constitute at all times a true and perfect list of the qualified voters thereof, subject only to changes according to law, and none but electors otherwise duly qualified shall be entitled to register, and no person not registered as required shall be permitted to vote at any election.

(Code 1962, § 9-9)

Sec. 9-13. Only qualified electors eligible for municipal office.

All qualified electors, but no others, shall be eligible to any municipal office.

(Code 1962, § 9-11)

Sec. 9-14. Loss, destruction of registration books within four months of election.

If voter registration books be lost or destroyed within four months of any election, the clerk shall, on public notice of such length and kind as shall be directed by the governing body being first given, proceed at the time and place specified in such notice, to make a new registration of electors, and shall register each elector who shall file with said registrar his affidavit that he was registered upon such lost or destroyed registration books as of the date claimed in such affidavit as the true date of such previous registration; and said registrar shall carefully preserve all such affidavits, and shall present them to the governing body at its next meeting within four days next before any election to revise the registration lists.

(Code 1962, § 9-13)

Sec. 9-15. Disturbing elections prohibited.

If any person shall unlawfully disturb any regular or primary election, general or special, for any public office, such person shall be guilty of a misdemeanor.

(Code 1962, § 9-15)

Sec. 9-16. Taking, removing ballots prohibited.

If any person shall take or remove any ballot from the voting place at any regular or primary

election, either general or special, before the close of the polls, he shall be guilty of a misdemeanor.

(Code 1962, § 9-16)

Chapter 9.5 ENVIRONMENT

Article I. In General

[Sec. 9.5-1. Mining or drilling for oil, gas, and coal.](#)

Secs. 9.5-2--9.5-30. Reserved.

Article II. Tree Care and Preservation

[Sec. 9.5-31. Intent.](#)

[Sec. 9.5-32. Definitions.](#)

[Sec. 9.5-33. City forester.](#)

[Sec. 9.5-34. Tree board--Established; membership.](#)

[Sec. 9.5-35. Same--Terms of office.](#)

[Sec. 9.5-36. Same--Duties and responsibilities.](#)

[Sec. 9.5-37. Same--Operations.](#)

[Sec. 9.5-38. Same--Appeal.](#)

[Sec. 9.5-39. Penalty for violation.](#)

ARTICLE I. IN GENERAL

Sec. 9.5-1. Mining or drilling for oil, gas, and coal.

- (a) *Prohibited. The mining or drilling for oil, gas and coal within 400 feet of any structure within the corporate limits of the city be and the same is hereby prohibited.*
- (b) *Definitions. For the purpose of this section:*
 - (1) The definitions of "oil," "gas," and "coal" shall be those definitions set forth in Sections 53-1-3 and 53-9-7 of the Mississippi Code of 1972, as amended; and
 - (2) The definition of "structure" shall be any house, garage, building, outbuilding, house trailer or other manmade facility designed for or utilized for storage of materials, protection from elements, or residence of persons.
- (c) *Permitted uses in order to comply. Nothing in this section shall be construed to prohibit the drilling or excavation relating to the monitoring of storage, distribution, or other utilization of oil, gas and coal where such drilling or mining is done in order to comply with applicable federal, state or local statutes, laws, ordinances, or rules or regulations relating to environmental control, monitoring or investigations.*

(Ord. of 6-28-93, §§ 1--3)

Editor's note: An ordinance adopted June 28, 1993, did not specifically amend the Code; hence, codification of §§ 1--3 as § 9.5-1 was at the discretion of the editor.

Secs. 9.5-2--9.5-30. Reserved.

ARTICLE II. TREE CARE AND PRESERVATION*

***Editor's note: An ordinance adopted Dec. 13, 1993, did not specifically amend the Code; hence, codification of §§ 1--9 of said ordinance as §§ 9.5-31--9.5-39 was at the discretion of the editor.**

Cross references: Buildings and construction, Ch. 6; flood damage prevention, Ch. 11.5; historic preservation, Ch. 13.5; parks and recreation department, § 16-70 et seq.; streets, sidewalks and other public ways, Ch. 18.

Sec. 9.5-31. Intent.

The intent of this article is to aid in the stabilization of soil by the prevention of erosion and sedimentation; reduce stormwater runoff and the costs associated therewith and replenish groundwater supplies; aid in the removal of carbon dioxide and generation of oxygen in the

atmosphere; provide a buffer and screen against noise pollution; provide protection against severe weather; aid in the control of drainage and restoration of denuded soil subsequent to construction or grading; provide a haven for birds, which in turn assist in the control of insects; protect and increase property values; conserve and enhance the physical environment and aesthetics; and generally protect and enhance the quality of life and the general welfare of the citizens of the city. (Ord. of 12-13-93, § 1)

Sec. 9.5-32. Definitions.

"Street trees" are hereby defined as trees, shrubs, bushes, and all other woody vegetation on land, lying between property lines on either side of all streets, avenues or ways within the city. (Ord. of 12-13-93, § 2)

Sec. 9.5-33. City forester.

The position of city forester will be filled by the county forester. The city forester will coordinate, lead and supervise the tree board and administer the tree plan. (Ord. of 12-13-93, § 3)

Sec. 9.5-34. Tree board--Established; membership.

It [There] is hereby established the city tree board, which shall consist of seven members who shall be appointed by the mayor with the approval of the council. (Ord. of 12-13-93, § 4)

Sec. 9.5-35. Same--Terms of office.

The terms of the board members shall be three years. On the first commission, three members shall be appointed for one year, two members shall be appointed for two years, two members shall be appointed for three years. Thereafter, appointments shall be made for three years, with persons to serve until their successors are appointed and qualified. (Ord. of 12-13-93, § 5)

Sec. 9.5-36. Same--Duties and responsibilities.

It shall be the responsibility of the board, in coordination with the city forester, to study, investigate, counsel, and develop a written plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets and other public areas, and front yard setbacks, in accordance with the land development code. This plan will consist of recommended trees for planting and their spacing and maintenance. Such plan, upon ratification by the board of mayor and aldermen, shall constitute the official comprehensive city tree plan of the city. The board, when requested by the board of mayor and aldermen, shall update the plan as needed and shall consider, investigate, make findings, report, and recommend upon any special matter or questions within the scope of this work. (Ord. of 12-13-93, § 6)

Sec. 9.5-37. Same--Operations.

The board shall choose its own officers, make its own rules and regulations, and keep a record of its proceedings. The majority of its members shall be a quorum for the transaction of business. (Ord. of 12-13-93, § 7)

Sec. 9.5-38. Same--Appeal.

Any person may appeal, from any ruling or order of the city tree board, to the board of mayor and aldermen, who may hear the matter and make the final decision. (Ord. of 12-13-93, § 8)

Sec. 9.5-39. Penalty for violation.

Any person violating the provisions of this article shall, upon conviction of a plea of guilty, be subject to a maximum fine of \$500.00. (Ord. of 12-13-93, § 9)

Chapter 10 FINANCE*

*Charter references: Municipal depositories, § 14.1; borrowing money, § 66; disposition of receipts, etc., § 71.

State law references: Grant of power to municipalities generally, Miss. Code 1972, §§ 21-17-1, 21-19-59, 21-37-53; fiscal year, § 21-35-1.

[Sec. 10-1. Fiscal year.](#)

[Sec. 10-2. Annual reports required.](#)

[Sec. 10-3. Reserved.](#)

[Sec. 10-4. Contracting of accounts; claims against city regulated.](#)

[Sec. 10-5. Approval of mayor prerequisite to presentation of claim.](#)

[Sec. 10-6. Rezoning--Costs, expenses to be paid by applicant.](#)

[Sec. 10-7. Same--Deposit required with application.](#)

Sec. 10-1. Fiscal year.

The fiscal year of the city shall begin on the first day of October in each year.

(Code 1962, § 20-1)

State law references: So provided in Miss. Code 1972, § 21-35-3.

Sec. 10-2. Annual reports required.

- (a) *Officers required to make reports. The mayor, city clerk, assessor and tax collector, marshal, city physician and chief of fire department shall make annual reports to the governing body on the first day of September of each year.*
- (b) *Contents. These reports shall contain an inventory of all the city property in their charge, if any, and in a general way shall give the history of all transactions in their respective departments, with such recommendations as they may consider necessary for the efficiency of their respective offices.*
- (c) *Publication. Such reports may be published in pamphlet form for free distribution, in such numbers as the governing body may direct.*

(Code 1962, § 2-2)

Charter references: Required reports, § 71.

Sec. 10-3. Reserved.

Editor's note: Section 10-3, designating the mayor as purchasing agent and pertaining to purchases by department heads, derived from Code 1962, § 2-26, and § 1 of an ordinance enacted June 12, 1972, was repealed in its entirety by an ordinance adopted Oct. 14, 1985.

Sec. 10-4. Contracting of accounts; claims against city regulated.

- (a) No account or claim of any kind against the city shall be contracted or authorized by any officer of the city except the mayor, in excess of \$100.00 and all such claims so contracted or authorized shall be certified in writing to the governing body to be true and correct and a reasonable charge against the city by the officer making the purchase, and in no case shall any account contracted by any officer except the mayor exceeding \$100.00 be contracted without the consent of the governing body, and no such account or claim against the city not so contracted or authorized and certified to shall be allowed or paid by the governing body.
- (b) The governing body shall purchase the city's equipment, heavy equipment, or supplies for public works and public buildings, and contracts for public construction under competitive bids, letting contracts therefor to the lowest and best bidder. All contracts for purchase of supplies shall be let for periods of not more than 12 months in advance.

- (c) The following shall be exempt from the foregoing requirement for competitive bids:
- (1) Repairs to equipment; provided, however, that invoices identifying the equipment, specific repairs made, parts and supplies used in such repairs and the number of hours of labor and cost therefor shall be required for the payment for such repairs.
 - (2) Raw unprocessed deposits of gravel or fill dirt which are to be removed and transported by the purchaser; provided, however, that the price thereof shall not exceed the lowest price to the general public, or the price listed in the Commission of Budget and Accounting Commodity Index, whichever is lower.
 - (3) Office supplies, tools, hardware items, and parts for equipment repairs not to exceed \$250.00 in value; provided, however, that the price of any such item or items shall not exceed the price to the general public of items of the same quality and in the same quantities.

The cost of any item or items exempt from bid procedures under this section shall be certified by the supplier to be not more than the cost to the general public of such item or items in the same quality and quantities. Such certification shall be attached to the bill or invoice for such items and shall be maintained as are other records.

Any supplier who files a claim for any item or items exempt from bid procedures under this section in excess of the prevailing price available to the general public at the time of delivery thereof shall be liable for all sums paid on such claim and may be named as a defendant in litigation seeking recovery of such funds.

The mayor shall be authorized to make purchases and let contracts which are exempt from competitive bidding as set forth above in accordance with section 10-3.

- (d) No emergency contract or purchase which would otherwise require competitive bidding may be made except after order spread upon the minutes of the governing body stating the nature of such emergency in which such contract or purchase is required. For purposes of this section, "Emergency" shall refer only to situations resulting from natural disasters such as floods, tornadoes, hurricanes, earthquakes, or other acts of God, and to situations resulting from civil disorder or conflicts demanding immediate action.

(Code 1962, §§ 2-4, 2-5; Ord. of 5-26-75, § 1)

Charter references: Allowance of claims, § 72.

State law references: Procedure as to claims against municipalities and disposition of same, Miss. Code 1972, § 21-39-1 et seq.

Sec. 10-5. Approval of mayor prerequisite to presentation of claim.

The governing body will not pass upon or consider any claim against the city unless the same has first been presented in writing to the mayor. It shall be the duty of the mayor to approve the claim in whole or in part, or disapprove the same, and report his action thereon to the governing body. Until this is fully completed, the claim shall not be treated as properly before the governing body.

(Code 1962, § 2-5)

Sec. 10-6. Rezoning--Costs, expenses to be paid by applicant.

All persons interested in or seeking a rezoning of properties within the city under the zoning ordinances of the city shall be required to pay to the city such costs and expenses incurred by the city by reason of such application for rezoning, whether said application is approved or disapproved.

(Code 1962, § 24-1)

Sec. 10-7. Same--Deposit required with application.

A deposit in the sum of the estimated cost of such rezoning proceedings, including the costs of publications of notices of rezoning and of the action of the governing body thereupon, shall be deposited with the city clerk with the application for rezoning or change in the zoning

ordinances of the city at the time that said application or petition for a change in the rezoning ordinances is filed with the city clerk.

(Code 1962, § 24-2)

Chapter 11 FIRE PROTECTION AND PREVENTION*

***Charter references: Authority, § 14(11).**

Cross references: Compliance with fire prevention code by alcoholic beverage establishments, § 4-4; false fire alarms, § 15-8; fire department established, § 16-40; fire districts established, § 6-1; fire department to have right-of-way generally, § 21-28; driving over fire hoses prohibited, § 21-29; obstructing fire hydrants prohibited, § 21-42; city may place fire alarm system on telegraph, telephone poles, § 22-13.

State law references: Municipal authority to regulate for purpose of fire prevention, Miss. Code 1972, §§ 21-19-21, 21-25-1.

Article I. In General

[Sec. 11-1. Destruction of property at fires--Indemnity of officers.](#)

[Sec. 11-2. Same--Appraisal of claim for damages.](#)

[Sec. 11-3. Damage to fire apparatus.](#)

[Sec. 11-4. Reserved.](#)

[Sec. 11-5. Leaving child or disabled person unprotected.](#)

[Sec. 11-6. Smoking in bed.](#)

[Sec. 11-7. Fireworks--Defined; sale and possession prohibited.](#)

[Sec. 11-8. Response to alarms outside corporate limits; fees established; adjustment.](#)

[Sec. 11-9. Permit required to move, install gasoline, other petroleum storage tank; fee.](#)

[Sec. 11-9.5. Cleanup fee for gasoline spills at service stations and other places of business which dispense fuel.](#)

[Sec. 11-10. Bonfires and outdoor rubbish fires.](#)

[Sec. 11-11. Request to burn; asbestos testing, fee.](#)

Secs. 11-12--11-19. Reserved.

Article II. Fire Prevention Code

[Sec. 11-20. Code adopted.](#)

[Sec. 11-21. Enforcement officer.](#)

[Sec. 11-22. Modifications to code requirements.](#)

[Sec. 11-23. Appeals.](#)

[Sec. 11-24. Penalties for violation.](#)

[Sec. 11-25. Violations and fines.](#)

Secs. 11-26--11-29. Reserved.

Article III. Storage, Dispensing and Transportation of Inflammables and Explosives

[Sec. 11-30. Boundaries and limitations for storage of flammables and explosives established.](#)

[Sec. 11-31. Attendant at service stations.](#)

[Sec. 11-32. Same--Compliance with state law required.](#)

[Sec. 11-33. Same--Parking of vehicles near residences.](#)

[Sec. 11-34. Same--Leaving vehicles unattended, prohibited.](#)

Secs. 11-35--11-50. Reserved.

Article IV. Fire Lanes and Fire Zones

[Sec. 11-51. Definitions.](#)

[Sec. 11-52. Fire lanes designated.](#)

[Sec. 11-53. Marking fire zones.](#)

[Sec. 11-54. Additional fire lanes.](#)

[Sec. 11-55. Location and length.](#)

[Sec. 11-56. Violations, penalties.](#)

[Sec. 11-57. Enforcement.](#)

ARTICLE I. IN GENERAL

Sec. 11-1. Destruction of property at fires--Indemnity of officers.

All officers of the city shall be indemnified by the city against any suit or complaint which may be instituted or made against them by the owners of property which may be destroyed or otherwise damaged in combatting fires.

(Code 1962, § 10-10)

Cross references: Authority of chief at fires, § 16-41.

State law references: Authority to purchase indemnity insurance for firemen, Miss. Code 1972, § 21-25-11.

Sec. 11-2. Same--Appraisal of claim for damages.

Whenever any owner of property claims damages for injuries sustained by pulling down, blowing up or otherwise damaging property in consequence of putting out a fire, it shall be the duty of the governing body to appoint two disinterested persons as referees, and the claimant may likewise appoint two, and these four so appointed shall assess the actual damage sustained, and their decision shall be final and conclusive upon the parties; and in case the four referees so appointed cannot agree, then they may appoint a fifth who shall be umpire, and his decision shall be final, and all damages so assessed shall be paid out of the city treasury.

(Code 1962, § 10-11)

Sec. 11-3. Damage to fire apparatus.

It shall be unlawful for any person wilfully or carelessly to destroy, break, injure or carry away, any fire engine or fire apparatus of the fire department.

(Code 1962, § 10-9)

Sec. 11-4. Reserved.

Editor's note: Section 11-4, relative to turning in false fire alarms, derived from Code 1962, § 10-12, has been deleted as being superseded by Ord. of Sept. 13, 1982, included in this Code as § 15-8.

Sec. 11-5. Leaving child or disabled person unprotected.

The public welfare requiring it, and to protect the life and health of citizens of this city, no parent, foster parent, guardian, or any person over the age of 16 years having in his or her charge, custody, control or under his or her supervision a child or children under the age of six years, or any disabled or bedridden invalid, whether an adult or not, shall leave such child or children or disabled or bedridden invalid unattended by a person at least 12 years of age or over in any house, building or other structure which is subject to the hazards of fire or which is not so constructed as to be fireproof.

(Ord. of 3-11-63)

Sec. 11-6. Smoking in bed.

- (a) No person shall smoke a cigarette, cigar, pipe or tobacco in any form in a bed in any hotel, motel or public rooming house in the city.
- (b) The owner, manager or person in charge of any hotel, motel or public rooming house in this city shall immediately post notice in each bedroom and in the lobby of such place of business that smoking in bed is highly dangerous and prohibited by ordinance of this city; and shall report to the city any known violation thereof.

(Ord. of 1-9-67, §§ 1, 2)

Sec. 11-7. Fireworks--Defined, sale and possession prohibited.

- (a) The term "fireworks" as used in this section shall mean and include any combustible or explosive composition, or any substance, combination of substances or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloons which require fire underneath to propel same, fireworks, torpedoes, skyrockets, Roman candles, Dago

bombs, sparklers or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets of other device containing any explosive substance. Nothing in this section shall be constructed as applying to the sale of toy pistols, to canes, toy guns or other devices in which paper caps manufactured in accordance with United States Interstate Commerce Commission regulations for packing and shipping toy paper caps are used and toy pistol paper caps.

- (b) It shall be unlawful to sell any fireworks within the city.
 - (c) It shall be unlawful to ignite, discharge, explode or detonate any fireworks within the city.
 - (d) It shall be unlawful to possess any fireworks within the city.
- (Code 1962, §§ 15-26, 15-27; Ord. of 2-10-2003)

State law references: Authority, Miss. Code 1972, §§ 21-19-15, 45-13-13.

Sec. 11-8. Response to alarms outside corporate limits; fees established; adjustment.

- (a) The city shall charge a fee for response to alarms outside the corporate limits. Said fee to be assessed to the owner and/or occupant of any property, real, personal or mixed, for which the assistance of the Yazoo City Fire Department shall be requested when said property shall be located outside the corporate limits of the city.
 - (b) The fees to be charged under the provisions of this section shall be as follows:
 - (1) Buildings occupied principally as private residences and pertinent structures, \$250.00.
 - (2) Motor vehicles (excluding farm implements and equipment) of less than 4,500 pounds gross vehicle weight, \$150.00.
 - (3) Farm implements and equipment and motor vehicles of a gross vehicle weight of 4,500 pounds and an excess thereof, \$250.00.
 - (4) Commercial buildings (including apartment complexes with more than two units in affected structure), manufacturing and industrial facilities, and water and rail carriers, \$500.00 per hour or any part thereof.
 - (5) Miscellaneous alarms, \$100.00.
 - (c) The rates set forth herein shall be adjusted from time to time by the board of mayor and aldermen upon recommendation and counsel with the chief of the fire department.
 - (d) Nothing in this section shall require or shall be construed to require the Yazoo City Fire Department to respond to any alarm outside the corporate limits of the city.
- (Ord. of 9-27-82, §§ 1--4)

Editor's note: Section 11-8 is derived from Ord. of Sept. 27, 1982, §§ 1--4, which ordinance did not expressly amend this Code.

Sec. 11-9. Permit required to move, install gasoline, other petroleum storage tank; fee.

There is imposed a fee of \$10.00 for permit to move or install any gasoline or other petroleum storage tank, as provided in the Standard Fire Prevention Code, 1982 edition, which is adopted under provisions of section 11-20 of the Code of Yazoo City, Mississippi, and the city fire department is hereby empowered, authorized and instruction to issue such permits and collect such fees prior to any person, corporation, business or other entity moving or installing such gasoline or other petroleum storage tanks within the corporate limits of the city.

(Ord. of 3-12-84, § 1)

Editor's note: Ord. of Mar. 12, 1984, § 1, being nonamendatory of this Code, has been included herein as § 11-9 at the discretion of the editors.

Sec. 11-9.5. Cleanup fee for gasoline spills at service stations and other places of business which dispense fuel.

The fire official or his designated representative shall levy a fee of \$100.00 for each separate gasoline, diesel fuel, or petroleum product spill cleanup at any service station, retail store, or place of business which dispenses gasoline, diesel fuel, or petroleum products to the general public.

(Ord. of 9-11-95)

Editor's note: An ordinance adopted Sept. 11, 1995, did not specifically amend the Code; hence, codification of substantive provisions as § 11-9.5 was at the discretion of the editor.

Cross references: License and business regulations, Ch. 14.

Sec. 11-10. Bonfires and outdoor rubbish fires.

- (a) *Permit required. No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained without a permit or other/proper authorization. During construction or demolition of buildings or of structures, no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity without having obtained a permit or other proper authorization.*
- (b) *Location restricted. No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on any private land unless:*
 - (1) The location is not less than 50 feet from any structure or adequate provision is made to prevent fire from spreading to within 50 feet of any structure; or
 - (2) The fire is contained in approved waste burner located safely not less than 15 feet from any structure.
- (c) *Attendance of open fires. Bonfires and rubbish fires shall be constantly attended by a competent person until such fire is extinguished. This person shall have a garden hose connected to the water supply or other fire extinguishing equipment readily available for use and approved by the fire chief or his designated agent.*
- (d) *Chief may prohibit. The chief of the fire department or his designated agent is permitted to prohibit any and all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.*
- (e) *Permits issued. The chief of the fire department or his designated agent shall issue permits for any bonfire or rubbish fire only after written application therefor by the person or persons responsible for such fire. Such application shall contain the name and address of the persons responsible for such fire, the location of such fire, and such other information as may be required by the fire department.*
- (f) *Penalty. Any person violating any provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$25.00 and not more than \$100.00 for each such violation.*

(Ord. of 6-27-88, § 1; Ord. of 1-9-95)

Sec. 11-11. Request to burn; asbestos testing, fee.

- (a) Asbestos testing shall be required for each building, improvement or structure for which a request to burn by the owners of said building, improvement or structure is received by the city.
- (b) The cost for said asbestos testing to said owners shall be \$250.00 which said owners shall pay in advance, and said testing, if the results are negative, and any and all other necessary permits are obtained, shall allow the fire department to schedule the burning but if the testing results are positive shall require abatement by the owners of such building, improvement or structure containing asbestos prior to obtaining any other necessary permits and scheduling burning.

(Ord. of 5-11-98)

Editor's note: An ordinance adopted May 11, 1998, pertained to asbestos testing of structures owners request to be burned by the fire department. Such provisions did not specify manner of codification, but were included herein as § 11-11 by the editor.

Secs. 11-12--11-19. Reserved.

ARTICLE II. FIRE PREVENTION CODE

Sec. 11-20. Code adopted.

There is hereby adopted by the governing body, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosions, that certain code known as the International Fire Prevention Code, 2003 Edition, and the whole thereof, save and except those certain portions as are hereinafter deleted, modified or amended, of which code no less than three copies have been and now are filed in the offices of the city clerk, the building inspector and the fire marshal of the city, and the same is hereby adopted and incorporated herein as fully as if set out at length herein, and from the date hereof of the provisions thereof shall be controlling within the city.

(Code 1962, § 10-1; Ord. of 3-13-78; Ord. of 12-13-82, § 1; Ord. of 5-12-86, § 1; Ord. of 9-9-91, §§ 1, 2; Ord. of 1-22-96, §§ 1, 2; Ord. of 3-27-00, §§ 1, 2; Ord. of 12-8-2003(7))

Cross references: See also building code, § 6-20; electrical code, § 6-50; gas code, § 6-60; housing code, § 6-70.

State law references: Municipal authority to adopt a code, Miss. Code 1972, § 21-19-25.

Sec. 11-21. Enforcement officer.

The fire prevention code shall be enforced by the chief of the fire department.

(Code 1962, § 10-2)

Sec. 11-22. Modifications to code requirements.

The chief of the fire department shall have power to modify any of the provisions of the fire prevention code upon application in writing by any owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code; provided, that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modification when granted or allowed and the decision of the chief of the fire department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

(Code 1962, § 10-5)

Sec. 11-23. Appeals.

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the fire prevention code do not apply or that the true intent and meaning thereof have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the governing body within 30 days from the date of the decision appealed.

(Code 1962, § 10-6)

Sec. 11-24. Penalties for violation.

- (a) Any person who shall violate any of the provisions of the fire prevention code or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement or specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the governing body or by a court of competent jurisdiction, within the time fixed herein, shall severally for each such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in section 1-8. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons

shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

- (b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Code 1962, § 10-7)

Sec. 11-25. Violations and fines.

- (a) The fire official or his designated representative may cite violations of this [fire prevention] code. Violations of the code shall be identified by the fire official under the following categories for the purpose of determining the appropriate fine. After the first offense, the offending party will be given five working days to remedy the situation for which the violation is issued. If at the end of the five-day period the offense is still outstanding, then the second offense will be issued which carries an increased fine, with each day thereafter being a new violation.

- (1) *Fire hazard: Condition which would cause a fire to start; cause a fire safety feature not to extinguish a fire; cause a fire safety feature to be unusable; increase the rate of fire spread by negating the effectiveness of a fire safety feature; conducting an operation or process without proper safety features; improper storage of hazardous material.*

- a. First offense, \$50.00.

- b. Following offenses, \$100.00 per day.

- (2) *Fire deficiency: Condition which could reduce the effectiveness of fire safety features through: lack of maintenance; failure to conduct required inspections; improper installation or operation of fire safety feature; hindering access to a fire safety feature; improper storage of nonhazardous materials.*

- a. First offense, \$25.00.

- b. Following offenses, \$50.00 per day.

- (3) *Life safety hazard: Condition which could cause exposure to life-threatening danger through: uncontrolled hazardous operation or process; blocked, locked, or inadequate means of egress; disabled or inadequate warning devices; inadequate or inoperative safety equipment.*

- a. First offense, \$100.00.

- b. Following offenses, \$200.00 per day.

- (4) *Life safety deficiency: Condition which reduces the effectiveness or reliability of life safety features where the potential for incidents and severity are both considered low.*

- a. First offense, \$25.00.

- b. Following offenses, \$50.00 per day.

- (5) *Unoccupied vehicle: Any unoccupied vehicle parked in a designated fire zone will be ticketed. If the vehicle is not removed within one hour, then the vehicle may be towed to be reclaimed by payment of the fine and the towing and storage charge.*

- a. First offense, \$25.00.

- b. Following offenses, \$50.00 per day.

- (b) Form of citation. The citation may be made upon any form approved by the fire official or his designated representative.

(Ord. of 9-11-95; Ord. of 4-22-96)

Editor's note: An ordinance adopted Sept. 11, 1995, did not specifically amend the Code;

hence, codification of substantive provisions as § 11-25 was at the discretion of the editor.
Secs. 11-26--11-29. Reserved.

ARTICLE III. STORAGE, DISPENSING AND TRANSPORTATION OF INFLAMMABLES AND EXPLOSIVES*

***Charter references: Authority to regulate, § 14(10).**

Cross references: Sale of gasoline and oil at airport regulated, § 3-3; permit required to move storage tanks, § 11-9; cleanup fee for gasoline spills, § 11-9.5.

State law references: Municipal authority to regulate storage of inflammable materials, Miss. Code 1972, § 21-19-21.

Sec. 11-30. Boundaries and limitations for storage of flammables and explosives established.

- (a) *Storage of materials within first fire district. The following restrictions, as set forth in the fire prevention code, shall apply to the first fire district (commonly known as the "downtown commercial area"):*
- (1) The storage of flammable liquids in outside aboveground tanks is prohibited.
 - (2) The bulk storage of liquified petroleum gas shall be subject to the restrictions as set forth in the fire prevention code.
 - (3) The storage of explosives and blasting agents is prohibited.
- (b) *Storage of materials outside first fire district. Aboveground storage of flammable and combustible liquid materials for nonresale purposes outside of the first fire district is allowed, subject to the following restrictions:*
- (1) All aboveground storage tanks shall be portable, skid-type and UL-listed for the use made thereof.
 - (2) All electrical installations shall comply with the National Electric Code then adopted by this city.
 - (3) All piping, venting and pumps shall comply with then-current standards of Section 30 of the National Fire Protection Association Standards (NFPA-30).
 - (4) Each proposed aboveground flammable or combustible liquid storage tank installation shall require the prior approval of the city building official and the city fire department, and no such installation shall be permitted without first securing the proper permits and licenses.
 - (5) For the purposes of this section, classification of combustible and flammable liquids shall be those set forth in NFPA-30.
 - (6) The maximum capacity for aboveground storage facilities under this section shall be 660 gallons for Class I liquids and 1,000 gallons for Class II liquids, except in areas specified below, in which case the city building official and the fire department may grant permission for additional or larger capacity Class II storage tanks; however, in such zone, approval shall be subject to all additional requirements deemed necessary by the building official and fire department official. Businesses located within the industrial park area (defined as "that area bounded on the east by the Highway 3 bypass and on the west by the Yazoo River") shall be permitted additional and/or larger capacity storage tanks, provided the following criteria are met:
 - a. The maximum capacity for Class I aboveground storage tanks shall be 3,000 gallons.

- b. The maximum capacity for Class II aboveground storage tanks shall be 3,000 gallons.
 - c. A bulk plant may have a larger capacity, as determined and approved by the fire marshal.
 - d. Business sites must encompass a minimum of two acres.
 - e. No residence shall be within 100 feet of the boundaries of the business sites.
 - f. Firefighting equipment must have easy access to sites.
 - g. Sufficient water supply must be readily available and easily accessible to firefighting equipment.
- (7) A maximum of one aboveground Class I and two aboveground Class II storage tanks shall be permitted on the same tract of land, except in areas zoned "manufacturing," which areas shall be subject to the provisions of subsection (B)(6) hereof.
- (8) Gravity-fed, Class I aboveground storage tanks are prohibited.
- (9) The city building inspector and the city fire department may, at their discretion, require dikes to be constructed around aboveground storage tanks in accordance with NFPA-30.
- (10) No two aboveground storage tanks shall be permitted within 25 feet of each other.
(Code 1962, § 10-21; Ord. of 3-27-89, § 1; Ord. of 10-9-89, § 1; Ord. of 9-26-94, § 1)

Cross references: First and second fire districts established, § 6-1.

Sec. 11-31. Attendant at service stations.

All retail vehicle service stations or retail stores or places of business dispensing to the general public gasoline, diesel fuel or any other petroleum products used as a motor fuel in vehicles shall at all times when open to the public for the sale of such products, have at least one attendant present in said place of business to aid in the dispensing of such products or to dispense the same to the general public.

(Ord. of 1-26-70, § 1)

Sec. 11-32. Same--Compliance with state law required.

In hauling, transporting or making deliveries of gasoline, diesel fuel or other petroleum products as herein regulated, the person so engaged therein shall also comply with all of the requirements, conditions and obligations imposed or required by the statutes of the state now in force or which may be hereafter adopted and placed in effect.

(Code 1962, § 10-29)

State law references: Required equipment on vehicles carrying explosives, Miss. Code 1972, § 63-7-77.

Sec. 11-33. Same--Parking of vehicles near residences.

No person shall park and leave unattended any vehicle equipped with a tank used for transporting oil, gas, butane or any other inflammable petroleum product on any private driveway, site, lot or parcel of land in a residential district of the city and within 50 feet of any residence.

(Code 1962, § 10-30)

Sec. 11-34. Same--Leaving vehicles unattended, prohibited.

No person shall park and leave unattended any vehicle equipped with a tank used for transporting oil, gas, butane or any other inflammable petroleum products on any street, alley or public way of the city.

(Code 1962, § 10-31)

Secs. 11-35--11-50. Reserved.

ARTICLE IV. FIRE LANES AND FIRE ZONES*

***Editor's note: At the discretion of the editor, §§ 1--7 of an ordinance adopted May 9, 1983, have been codified as herein set out in §§ 11-51--11-57. Said provisions did not expressly amend the Code.**

Cross references: Fire districts, § 6-1; traffic, Ch. 21.

Sec. 11-51. Definitions.

For purposes of this article, the following terms shall have those meanings respectively ascribed to them in this section; those terms or phrases not defined herein shall be accorded their usual and customary meanings:

Fire lane: That portion of any paved or improved surface designed and/or used for motor vehicular traffic which is officially designated as a required route of access for fire-fighting equipment.

Fire zone: That portion of any paved or improved surface immediately adjacent to any building or to any sidewalk and/or curb separating such building from an area designed and/or used for motor vehicular traffic which is officially designated as a required means of access to such building for fire-fighting personnel and equipment.

(Ord. of 5-9-83, § 1)

Sec. 11-52. Fire lanes designated.

All driving lanes or lanes of travel for motor vehicular traffic located upon any off-street parking area, drive, or alleyway maintained by the owner or management of any place of public assembly, hospital, apartment or commercial building, or any complex of such buildings, shall constitute officially designated fire lanes required for the access of fire-fighting equipment and appropriate signs giving notice thereof shall be erected and maintained at the entrance to any such area.

(Ord. of 5-9-83, § 2)

Sec. 11-53. Marking fire zones.

All fire zones, whether located upon publicly or privately owned property, shall be marked upon the surface thereof with 45-degree lines of reflectorized white paint each four inches in width and no more than four feet apart. All such fire zones shall further be marked by signs approved by the chief, fire marshal or other designated representative of the fire department and be erected or installed every 60 feet or such lesser distance as may be deemed necessary by said fire chief, fire marshal or designated representative.

(Ord. of 5-9-83, § 3)

Sec. 11-54. Additional fire lanes.

In addition to those fire lanes established by the operation hereof, the fire chief, fire marshal or designated representative of the fire department shall have the authority to designate the location of such other fire lanes as shall be reasonably necessary, shall have the authority to designate the location and dimension of all fire zones whether the same be upon publicly or privately owned property, and shall require all such fire lanes and fire zones to be appropriately marked and signed.

(Ord. of 5-9-83, § 4)

Sec. 11-55. Location and length.

The chief, fire marshal or other designated representative of the fire department shall adopt a uniform standard of location and length of all fire lanes to be designated as provided in sections 11-52 and 11-53 hereof, and said uniform policy shall take in consideration the square footage of the facility and the type of hazard presented by the use of said facility.

(Ord. of 5-9-83, § 5)

Sec. 11-56. Violations, penalties.

- (a) It shall be unlawful for any person to park, place or stop any motor vehicle or trailer, whether attended or unattended, within a fire lane or fire zone, or to cause an obstruction of any kind or nature whatsoever to be placed or remain for any period of time within any fire lane or fire zone marked and/or signed in accordance with this article.
- (b) Any person who shall violate any provision of this article shall be guilty of a misdemeanor and upon conviction thereof shall be punished by the imposition of a fine not to exceed \$250.00 or by imprisonment for a period of time not to exceed 30 days or both such fine and imprisonment.
- (c) Any unattended motor vehicle or trailer found parked or placed in violation of any of the provisions hereof may be impounded and reasonable towing and storage charge assessed against the owner thereof.

(Ord. of 5-9-83, § 6)

Sec. 11-57. Enforcement.

This article shall be enforced by the police department and the chief, fire marshal or other designated agent of the fire department who shall have full police powers for such enforcement.

(Ord. of 5-9-83, § 7)

Chapter 11.5 FLOOD DAMAGE PREVENTION*

***Editor's note: Ord. of May 24, 2004, repealed Ch. 11.5 in its entirety, relative to flood damage prevention, and re-enacted Ch. 11.5 to read as herein set out. The provisions of former Ch. 11.5 derived from an ordinance adopted Mar. 27, 1987.**

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ARTICLE I. IN GENERAL

Sec. 11.5-1. Statutory authorization.

The Legislature of the State of Mississippi has in MCA 1972, title 17, ch. 1, delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Mayor and Aldermen of Yazoo City does hereby adopt the following flood plain management regulations.

(Ord. of 5-24-2004)

Sec. 11.5-2. Findings of fact.

- (1) The flood hazard areas of Yazoo City are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

(Ord. of 5-24-2004)

Sec. 11.5-3. Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging and other development which may increase erosion or flood damage; and
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Ord. of 5-24-2004)

Sec. 11.5-4. Objectives.

The objectives of this chapter are:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and

- generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in flood plains;
- (6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
- (7) To ensure that potential home buyers are notified that property is in a flood area.

(Ord. of 5-24-2004)

Sec. 11.5-5. Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and
- (5) Preventing or regulating the construction of flood barriers that will unnaturally divert floodwaters or may increase flood hazards in other areas.

(Ord. of 5-24-2004)

Sec. 11.5-6. Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

A zone means portions of the SFHA in which the principle source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. Areas of 100-year flood, base flood elevations and flood hazard factors not determined.

A1--A30 and AE zone is the special flood hazard area inundated by the 100-year flood, base flood elevations are determined.

Accessory structure (appurtenant structure) means a structure, which is located on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

AH zone is an area of 100-year shallow flooding where depths are between one and three feet (usually shallow ponding), base flood elevations are shown.

AO zone is an area of 100-year shallow flooding where depths are between one and three feet (usually sheet flow on sloping terrain), flood depths are shown.

Appeal means a request for a review of the floodplain administrator's interpretation of any

provision of this chapter or a request for a variance.

AR/A1--A30, AR/AE, AR/AH, AR/AO, and AR/A zones are SFHAs that result from the decertification of a previously accredited flood protection system that is in the process of being restored to provide a 100-year or greater level of flood protection. After restoration is complete, these areas will still experience residual flooding from other flooding sources.

Area of shallow flooding means a designated AO or AH zone on the community's Flood Insurance Rate Map (FIRM) with flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

B and X zones (shaded) are areas of 500-year flood, areas subject to the 100-year flood with average depths of less than one foot or with contributing drainage area less than one square mile, and areas protected by levees from the base flood.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").

Base flood elevation (BFE) is the elevation shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1-30, AR, AR/A, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent or greater chance of being equaled or exceeded in any given year.

Basement means that portion of a building having its flood subgrade (below ground level) on all sides.

Building see structure.

C and X (non-shaded) zones are areas determined to be outside the 500-year floodplain.

Community is a political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

Community Rating System (CRS) is a program developed by the Federal Insurance Administration to provide incentives for those communities in the regular program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Community flood hazard area (CFHA) is an area that has been determined by the floodplain administrator (or other delegated, designated, or qualified community official) from available technical studies, historical information, and other available and reliable sources, which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety and general welfare. This includes areas downstream from dams.

Critical facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

Dam means any artificial barrier, including appurtenant works, with the ability to impound water, wastewater, or liquid borne materials and which (a) is 25 feet or more in height from the natural bed of the stream or watercourse measured at the downstream toe of the barrier, or from the lowest elevation of the outside limit of the barrier, if it is not across a stream channel or watercourse, to the maximum water storage elevation; or (b) has an impounding capacity at maximum water storage elevation of 50 acre-feet or more.

- (a) This definition does not apply to any such barrier which is not in excess of six feet in height regardless of storage capacity or which has a storage capacity at maximum water storage elevation not greater than 15 acre-feet regardless of height, unless such a barrier, due to its location or other physical characteristics, is classified as a high hazard potential dam;
- (b) No obstruction in a canal used to raise or lower water shall be considered a dam; and
- (c) A fill or structure for highway or railroad use for any other purpose, which may impound water, may be subject to review by the Mississippi Department of Environmental Quality and shall be considered a dam if the criteria of this definition are found applicable and is classified as a high hazard potential dam.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of materials or equipment.

Elevated building means a nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Elevation certificate is a certified statement that verifies a building's elevation information.

Emergency program means the first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable buildings in that community before the effective date of the initial FIRM.

Enclosure below the lowest floor see lowest floor.

Encroachment means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Executive Order 11988 (Floodplain Management) issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

Existing construction any structure for which the "start of construction" commenced before April 15, 1980.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community before April 15, 1980.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Fill means a deposit of earth material placed by artificial means.

Five-hundred year flood means the flood that has a 0.2 percent chance of being equaled or exceeded in any year. Areas subject to the 500-year flood have a moderate to low risk of flooding.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters;

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM) means the official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as zone A.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) is the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FHBM (where applicable) and the water surface elevation of the base flood.

Flood plain means any land area susceptible to being inundated by flood waters from any source.

Flood plain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the flood plain, including but not limited to emergency preparedness plans, flood control works, flood plain management regulations, and open space plans.

Flood plain administrator is the individual appointed to administer and enforce the flood plain management regulations.

Flood plain management regulations means this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Flood proofing certificate is a form used to certify compliance for nonresidential structures as an alternative to elevating buildings to or above the BFE.

Flood way means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Flood way fringe means that area of the floodplain on either side of the regulatory flood way where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

Freeboard means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of flood plain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Hardship (as related to variances of this chapter) means the exceptional hardship that would result from a failure to grant the requested variance. The board of mayor and aldermen requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule,

qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Hazard potential means the possible adverse incremental consequences that result from the release of water or stored contents due to failure of a dam or misoperation of a dam or appurtenances. The hazard potential classification of a dam does not reflect in any way on the current condition of a dam and its appurtenant structures (e.g., safety, structural integrity, flood routing capacity).

High hazard potential dam means a dam assigned the high hazard potential classification where failure or misoperation will probably cause loss of human life.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

Historic structure means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic or a district preliminarily determined by the secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of the interior; or
- (d) Individually listed on a local inventory historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the secretary of the interior; or
 - (2) Directly by the secretary of the interior in states without approved programs.

Hydrologic and hydraulic engineering analysis means an analysis performed by a professional engineer, registered in the State of Mississippi, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

Increased cost of compliance (ICC) means the cost to repair a substantially damaged building that exceeds the minimal repair cost and that is required to bring a substantially damaged building into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business policies with effective dates on or after June 1, 1997, will include ICC coverage.

Letter of map change (LOMC) is an official FEMA determination, by letter, to amend or revise effective flood insurance rate maps, flood boundary and floodway maps, and flood insurance studies. LOMC's are broken down into the following categories:

- (a) *Letter of map amendment (LOMA). A revision based on technical data showing that a property was incorrectly included in a designated SFHA. A LOMA amends the current effective FIRM and establishes that a specific property is not located in a SFHA.*
- (b) *Letter of map revision (LOMR). A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LORM, a*

LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the BFE and is, therefore, excluded from the SFHA.

- (c) *Conditional letter of map revision (CLOMR). A formal review and comment by FEMA as to whether a proposed project complies with the minimum NFIP floodplain management criteria. A CLOMR does not amend or revise effective flood insurance rate maps, flood boundary and floodway maps, or flood insurance studies.*

Levee means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices. For a levee system to be recognized, the following criteria must be met: all closure devices or mechanical systems for internal drainage, whether manual or automatic, must be operated in accordance with an officially adopted operation manual (a copy of which must be provided to FEMA by the operator when levee or drainage system recognition is being sought or revised). All operations must be under the jurisdiction of a federal or state agency, an agency created by federal or state law, or an agency of a community participating in the NFIP.

Low hazard potential dam means a dam assigned the low hazard potential classification where failure or misoperation results in no probable loss of human life and low economic and/or environmental losses. Losses are limited to the owner's property.

Lowest adjacent grade means the elevation of the sidewalk, patio, deck support, or basement entryway immediately next to the structure and after the completion of construction. It does not include earth that is emplaced for aesthetic or landscape reasons around a foundation wall. It does include natural ground or properly compacted fill that comprises a component of a building's foundation system.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the non-elevation provisions of this Code.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when attached to the required utilities. The term manufactured home does not include a "recreational vehicle."

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map panel number is the four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)

Map amendment means a change to an effective NFIP map that results in the exclusion from the SFHA or an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).

Market value means the building value, excluding the land (as agreed between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value) or adjusted assessed values.

Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD).

Mitigation means sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the costs of disaster response and recovery.

National Flood Insurance Program (NFIP) is the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the federal government and the private insurance industry.

National Geodetic Vertical Datum (NGVD) as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means any structure for which the "start of construction" commenced on or after January 1987. This term also includes any subsequent improvements to such a structure.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain regulations adopted by a community.

Nonresidential means, but is not limited to, small business concerns, churches, schools, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, mercantile structures, agricultural and industrial structures, warehouses, and hotels or motels with normal room rentals for less than six months duration.

Obstruction includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-hundred year flood (100-year flood) is the flood that has a one percent or greater chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A or V is subject to the 100-year flood. Over the life of a 30-year loan, there is a 26 percent chance of experiencing such a flood with the SFHA.

Participating community is any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

Post-FIRM construction means construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

Pre-FIRM construction means construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

Probation [is] a means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

Public safety and nuisance [means] anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational vehicle means a vehicle that is:

- (a) Built on a single chassis;
- (b) Four hundred square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regular program means the phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Repair means the reconstruction or renewal of any part of an existing building.

Repetitive loss means flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Reservoir means any basin, which contains or will contain impounded water, wastewater, or liquid-borne materials by virtue of its having been impounded by a dam.

Section 1316 is that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Significant hazard potential dam means a dam assigned the significant hazard potential classification where failure or misoperation results in no probable loss of human life but can cause major economic loss, environmental damage, disruption of critical facilities, or impact other concerns. Significant hazard potential classification dams are often located in predominantly rural or agricultural areas but could be located in areas with population and significant infrastructure.

Special flood hazard area (SFHA) means that portion of the floodplain subject to inundation by the base flood and/or flood-related erosion hazards as shown on a FHBM or FIRM as zones A, AE, A1--A30, AH, AO, AR, V, VE, or VI-V30.

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act P. L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the

installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means all walled and roofed buildings, including gas or liquid storage tanks and manufactured homes that are principally aboveground.

Subdivision means any division, for the purposes of sale, lease, or development, either on the installment plan or upon any and all other plans, terms and conditions, of any tract or parcel of land into two or more lots or parcels.

Subrogation means an action brought by FEMA when flood damages have occurred, flood insurance has been paid, and all or part of the damage can be attributed to acts or omissions by a community or other third party.

Substantial damage means repair to a building for which the cost of repairs equals or exceeds 50 percent of the market value of the building prior to the damage occurring. It also means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

For the purposes of this definition, "repair" is considered to occur when the first repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences.

The term does not apply to:

- (a) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the code enforcement official and which are solely necessary to assure safe living conditions; or
- (b) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure"; or
- (c) Any improvement to a building.

Communities should ensure that these definitions are tied to the floodplain management requirements for new construction and substantial improvements and to any other requirements of the ordinance, such as permit requirements, in order to enforce this provision.

Substantial improvement means any combination of reconstruction, alteration, or improvement to a building, taking place during the life of the building, in which the cumulative percentage of improvement equals or exceeds fifty percent of the current market value of the building. For the purposes of this definition, an improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. This term includes structures, which have incurred "repetitive loss" or "substantial damage", regardless of the actual repair work done.

The term does not apply to:

- (a) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the code enforcement official and which are solely necessary to assure safe living conditions; or
- (b) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure"; or
- (c) Any building that has been damaged from any source or is categorized as

repetitive loss.

Substantially improved existing manufactured home parks or subdivisions is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Suspension means the removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

Variance is a grant of relief from the requirements of this chapter, which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

Violation means the failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

X zone means the area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent annual probability of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

Zone means a geographical area shown on a flood hazard boundary map or a flood insurance rate map that reflects the severity or type of flooding in the area.

(Ord. of 5-24-2004)

Secs. 11.5-7--11.5-20. Reserved.

ARTICLE II. GENERAL PROVISIONS

Sec. 11.5-21. Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazard (SFHA) within the jurisdiction of the Board of Mayor and Aldermen of Yazoo City.

(Ord. of 5-24-2004)

Sec. 11.5-22. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the flood insurance rate map, dated April 15, 1980, with accompanying maps and other supporting data are adopted by reference and declared to be a part of this chapter.

(Ord. of 5-24-2004)

Sec. 11.5-23. Establishment of a flood plain development permit.

A development permit shall be required in conformance with the provision of this article prior to the commencement of any development activities in the areas of special flood hazard.

(Ord. of 5-24-2004)

Sec. 11.5-24. Compliance.

No structure or land shall hereafter be located, extended, converted or structurally altered

without full compliance with the terms of this chapter and other applicable regulations.
(Ord. of 5-24-2004)

Sec. 11.5-25. Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. of 5-24-2004)

Sec. 11.5-26. Interpretation.

In the interpretation and application of this chapter all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. of 5-24-2004)

Sec. 11.5-27. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Board of Mayor and Aldermen of Yazoo City or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. of 5-24-2004)

Sec. 11.5-28. Penalties for violation.

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than six months, days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the building inspector from taking such other lawful actions as is necessary to prevent or remedy any violation.

(Ord. of 5-24-2004)

Secs. 11.5-29, 11.5-30. Reserved.

ARTICLE III. ADMINISTRATION

Sec. 11.5-31. Designation of flood damage prevention ordinance.

The Board of Mayor and Aldermen of Yazoo City hereby appoint the building inspector to administer and implement the provisions of this chapter and is herein referred to as the flood plain administrator and/or the administrator.

(Ord. of 5-24-2004)

Sec. 11.5-32. Permit procedures.

Application for a development permit shall be made to the floodplain administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (1) *Application stage.*

- (a) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings;
- (b) Elevation in relation to mean sea level to which any nonresidential building will be floodproofed;
- (c) Certificate from a registered professional engineer or architect that the nonresidential floodproofed building will meet the floodproofing criteria in Article 5, Section B(2) and Section D(2);
- (d) Description of the extent to which any watercourse will be altered or relocated as result of proposed development; and
- (2) *Construction stage. Upon placement of the lowest floor, or floodproofing by whatever construction means, it shall be the duty of the permit holder to submit to the floodplain administrator a certification of the NGVD elevation of the lowest floor or floodproofed elevation, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. (The floodplain administrator shall review the lowest floor and floodproofing elevation survey data submitted.) The permit holder immediately and prior to further progressive work being permitted to proceed shall correct deficiencies detected by such review. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop work order for the project.*

(Ord. of 5-24-2004)

Sec. 11.5-33. Powers, duties and responsibilities of the flood plain administrator.

The flood plain administrator and/or staff is hereby authorized and directed to enforce the provisions of this chapter. The administrator is further authorized to render interpretations of this chapter, which are consistent with its spirit and purpose.

- (a) *Right of entry.*
 - (1) Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the administrator has reasonable cause to believe that there exists in any building or upon any premises any condition or ordinance violation which makes such building, structure or premises unsafe, dangerous or hazardous, the administrator may enter such building, structure or premises at all reasonable times to inspect the same or perform any duty imposed upon the administrator by this chapter.
 - (2) If such building or premises are occupied, he shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such request entry.
 - (3) If entry is refused, the administrator shall have recourse to every remedy provided by law to secure entry.
 - (4) Then the administrator shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the administrator for the purpose of inspection and examination pursuant to this chapter.

- (b) *Stop work orders. Upon notice from the administrator, work on any building, structure or premises that is being done contrary to the provisions of this chapter shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.*
- (c) *Revocation of permits.*
 - (1) The administrator may revoke a permit or approval, issued under the provisions of this chapter, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
 - (2) The administrator may revoke a permit upon determination by the administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this chapter.
- (d) *Duties of the administrator shall include, but not be limited to:*
 - (1) Review all development permits to assure that the permit requirements of this chapter have been satisfied;
 - (2) Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.
 - (3) Notify adjacent communities, the state NFIP coordinator, and other federal and/or state agencies with statutory or regulatory authority prior to any alteration or relocation of a watercourse.
 - (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
 - (5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with Article 4, section B (2).
 - (6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been floodproofed, in accordance with Article 4, Section B (2).
 - (7) Review certified plans and specifications for compliance.
 - (8) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
 - (9) When base flood elevation data or floodway data have not been provided in accordance with Article 3, Section B, then the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of Article 5.
 - (10) Provide information, testimony, or other evidence, as needed during variance request hearings.
 - (11) When damage occurs to buildings within special flood hazard areas, the following actions shall be conducted. Conduct damage assessments to

determine whether existing structures, damaged from any source and in special flood hazard areas must meet the development standards of these regulations. Damages to structures may result from a variety of causes. After such a damage event, the floodplain administrator shall:

- a. Determine whether damaged structures are located within the special flood hazard area;
 - b. Conduct damage assessments for those damaged structures located in the SFHA; and
 - c. Make a reasonable attempt to notify owner(s) of damaged structure(s) of the requirement to obtain a building permit/floodplain development permit prior to repair, rehabilitation, or reconstruction.
- (e) *Liability. Any officer or employee, or member of the administrator's staff, charged with the enforcement of this chapter, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee or member because of such act performed by him in the enforcement of any provision of this chapter shall be defended by the department of law until the final termination of the proceedings.*

(Ord. of 5-24-2004)

Secs. 11.5-34--11.5-40. Reserved.

ARTICLE IV. GENERAL STANDARDS

Sec. 11.5-41. General standards.

In all areas of special flood hazard the following provisions are required:

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding, such facilities shall be located a minimum of one foot above the base flood elevation;
- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (9) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this chapter shall meet the requirements of "new construction" as contained in this chapter; and,

- (10) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this chapter, shall be undertaken only if said nonconformity is not furthered, extended, or replaced.
- (11) New construction and substantial improvement of any building shall have the lowest floor (including basement) at least one foot above the centerline of the designated street, unless the topography of the property does not allow for strict adherence as determined by the building inspector.
- (12) New construction and substantial improvements built on fill shall be constructed on the properly designed and compacted fill that extends beyond the building walls before dropping below the base flood elevation, and shall have appropriate protection from erosion and scour.

(Ord. of 5-24-2004)

Sec. 11.5-42. Specific standards.

In all areas of special flood hazard where base flood elevation data have been provided, as set forth in Article 3, Section B, the following provisions are required:

- (1) *Residential construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Article 5, Section B (3).*
- (2) *Nonresidential construction. New construction or substantial improvement of any commercial, industrial, or nonresidential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot above the level of the base flood elevation. Buildings located in all A zones may be floodproofed in lieu of being elevated provided that all areas of the building below the BFE (plus any community free board) elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Article 4, Section C (9).*
- (3) *Elevated buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevations shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.*
 - (a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - 1. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - 2. The bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and
 - 3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of

floodwaters in both directions.

- (b) Access to the enclosed area shall be minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
 - (c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms;
 - (d) Where elevation requirements exceed six feet above the highest adjacent grade, a copy of the legally recorded deed restriction prohibiting the conversion of the area below the lowest floor to a use or dimension contrary to the building's originally approved design, shall be presented as a condition of issuance of the final certificate of occupancy.
- (4) *Standards for manufactured homes and recreational vehicles.*
- (a) All manufactured homes placed, or substantially improved, on individual lots or parcels, in existing manufactured home parks or subdivisions, in expansions to existing manufactured home parks or subdivisions, in new manufactured home parks or subdivisions or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.
Manufactured homes must be:
 - 1. Elevated on a permanent foundation;
 - 2. Have its lowest floor elevated no lower than one foot above the level of the base flood elevation; and
 - 3. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
 - (b) Excepting manufactured homes that have incurred substantial damage as a result of a flood, all manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
 - 1. The manufactured home is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement;
 - 2. The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation; or
 - 3. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above the highest adjacent grade.
 - (c) All recreational vehicles placed on sites must either:
 - 1. Be on site for fewer than 180 consecutive days; or
 - 2. Be fully licensed and ready for highway use; or
 - 3. Must meet all the requirements for new construction, including anchoring and elevation requirements of Article 5, Section B (4)(a) or (b) (i) and (iii), above.

A recreational vehicle is ready for highway use if it is licensed and insured in accordance with the State of Mississippi Motor Vehicle Regulations, is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions. All recreational vehicles, which are not self-propelled, must comply with FEMA Technical Bulletin "Guidelines for the Placement of

Temporary Structures in Special Flood Hazard Areas.

4. All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement.
- (5) *Floodways. Located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:*
 - (a) Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge;
 - (b) If Article 5, Section B (5)(a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.
 - (c) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Article 5, Section A (2), and the elevation standards of Article 5, Section B (1) and the encroachment standards of Article 5, Section B (5) (a), are met.

(Ord. of 5-24-2004)

Sec. 11.5-43. Standards for streams without established base flood elevation and/or floodways.

Located within the areas of special flood hazard established in Article 3, Section B, where flood sources exist but where no base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply:

- (1) When base flood elevation data or floodway data have not been provided in Accordance with Article 3, Section B, then the local administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of Article 5. If data is not available from outside sources, then the following provisions (2, 3 and 4) shall apply.
- (2) In special flood hazard areas with base flood elevations (zones AE and A1--30) but without floodways, no encroachments, including fill material or structures, shall be permitted unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification must be supported by technical data that conforms to standard hydraulic engineering principles.
- (3) No encroachments, including fill material or structures, shall be located within a distance of the stream bank equal to two times the width of the stream at the top of the bank or 20 feet each side from the top of the bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (4) When base flood elevation data or floodway data are not available in accordance

with Article 4, Section C (9), in special flood hazard areas without base flood elevation data, new construction or substantial improvements of structures shall be elevated or floodproofed to elevations adopted/established by the community. The flood plain administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of Article 5 of this chapter. The reference for this action is to be FEMA 265 "Managing Flood Plain Development in Approximate Zone A Areas: A Guide for Obtaining and Developing Base Flood Elevation", dated July 1995.

(Ord. of 5-24-2004)

Sec. 11.5-44. Standards for shallow flooding zones.

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet, where a clearly defined channel does not exist and the water path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above either the base flood elevation or in zone AO the flood depth specified on the flood insurance rate map, above the highest adjacent grade. In zone AO, if no flood depth is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade. (Recommend an additional freeboard of at least one foot.)
- (2) All new construction and substantial improvements of nonresidential structures shall:
 - (a) Have the lowest floor, including basement, elevated to or above either the base flood elevation or in zone AO the flood depth specified on the flood insurance rate map, above the highest adjacent grade. In zone AO, if no flood depth is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade. (Recommend an additional freeboard of at least one foot.)
 - (b) Together with attendant utility and sanitary facilities be completely floodproofed either to the base flood elevation or above or, in zone AO, to or above the specified flood depth plus a minimum of one foot so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as stated in Article 5, Section B (2).

(Ord. of 5-24-2004)

Sec. 11.5-45. Standards for accessory buildings in all zones beginning with the letter "A".

For all accessory buildings in special flood hazard areas (SFHA) designated "A" the following provisions shall apply:

- (1) Building to be nonhabitable;
- (2) Must be anchored to resist floatation forces;
- (3) Will require flood openings/vents no more than one-foot above grade, total openings are to be one square inch per one square foot of floor area, at least two openings required on opposite walls;
- (4) Built of flood resistant materials;
- (5) Must elevate utilities above the base flood elevation;

- (6) Can only be used for storage or parking;
- (7) Cannot be modified for a different use after permitting; and
- (8) Must have its lowest floor elevation documented.

(Ord. of 5-24-2004)

Sec. 11.5-46. Standards for subdivision proposals.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (4) Base flood elevation data shall be provided for all new subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than 50 lots or five acres, whichever is the lesser.
- (5) Where only a small portion of the subdivision lot or lots is in a designated zone A special flood hazard area inundated by 100-year flood with no base flood elevations determined and there is sufficient ground slope on the site to avoid possible flooding of structures in zone X areas determined to be outside 500-year floodplain. The floodplain administrator may waive the requirement for a study to determine the base flood elevations.
- (6) In order for the floodplain administrator to consider waiving the requirement of Section E (4) the applicant must provide an accurate topographic data and map for the lot or lots in question certified by a licensed land surveyor and/or professional civil engineer indicating sufficient detail to allow a thorough review by the floodplain administrator.
- (7) Each proposed parcel must have a designated buildable pad or site above the 100-year flood plain. The distance of the buildable pad or site above the 100-year flood plain shall depend on the slope of the ground and in accordance with the following table:

TABLE INSET:

Distance in Feet from Zone A 100-Year Flood Plain	Minimum Slope from Zone A-- 100-Year Flood Plain to Ground Level at Pad
20	5%
30	3.33%
40	2.50%
50	2.0%
60	1.67%
70	1.43%
80	1.25%
90	1.11%
100	1.0%

Residential or nonresidential structures lowest floor elevation also must be elevated one and one-half feet above the ground level on the buildable pad or site.

- (8) If a waiver is granted for Section E (4) the subdivider/applicant must comply with the following:
 - (a) File restrictive covenants on the lot or lots prohibiting construction within the designated special flood hazard area inundated by the 100-year flood and

requirement for elevated lowest floor elevation.

- (b) Place a statement on the face of the plat prohibiting construction in the designated area of special flood hazard inundated by the 100-year flood.
- (9) Notice must be sent to the state NFIP coordinator indicating that a waiver has been granted for Section E (4) providing written details of the waiver for any waiver granted by the floodplain administrator.

(Ord. of 5-24-2004)

Sec. 11.5-47. Critical facilities.

Construction of new or substantially improved critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet (approximate 500-year floodplain) or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

(Ord. of 5-24-2004)

Secs. 11.5-48--11.5-50. Reserved.

ARTICLE V. VARIANCE PROCEDURES

Sec. 11.5-51. Designation of variance and appeals board.

The Board of Mayor and Aldermen of Yazoo City shall hear and decide appeals and requests for variances from requirements of this chapter.

(Ord. of 5-24-2004)

Sec. 11.5-52. Duties of variance and appeals board.

The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the floodplain administrator in the enforcement or administration of this chapter. Any person aggrieved by the decision of the board may appeal such decision in the same manner as other appeals from municipal boards or courts are taken.

(Ord. of 5-24-2004)

Sec. 11.5-53. Variance procedures.

In passing upon such applications, the board of mayor and aldermen shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

- (1) The danger that materials may be swept onto other lands to the injury of others;
 - (2) The danger of life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) The importance of the services provided by the proposed facility to the community;
 - (5) The necessity to the facility of a waterfront location, where applicable;
 - (6) The availability of alternative locations for the proposed use [of] which are not subject to flooding or erosion damage;
 - (7) The compatibility of the proposed use with existing and anticipated development;
 - (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (10) The expected heights, velocity, duration, rate of rise, and sediment of transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- and

- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (12) Upon consideration of factors listed above, and the purpose of this ordinance, the board of mayor and aldermen may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- (13) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(Ord. of 5-24-2004)

Sec. 11.5-54. Conditions for variances.

- (1) Variances shall only be issued when there is:
 - (a) A showing of good and sufficient cause;
 - (b) A determination that failure to grant the variance would result in exceptional hardship; and
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (2) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of an "historic structure," a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
- (3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (See article V, section 11.5-55)
- (4) The floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency or Mississippi Emergency Management Agency upon request. (See section 11.5-55)

(Ord. of 5-24-2004)

Sec. 11.5-55. Variance notification.

Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

- (1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and
- (2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the floodplain administrator in the Office of the Yazoo County Chancery Clerk and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

(Ord. of 5-24-2004)

Sec. 11.5-56. Historic structures.

Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

(Ord. of 5-24-2004)

Sec. 11.5-57. Special conditions.

Upon consideration of the factors listed in article V, and the purposes of this article, the board of mayor and aldermen may attach such conditions to the granting of variances, as it deems necessary to further the purposes of this article.

(Ord. of 5-24-2004)

Sec. 11.5-58. Floodway.

Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

(Ord. of 5-24-2004)

Chapter 12 FOOD AND FOOD ESTABLISHMENTS*

***Charter references: Authority to regulate, §§ 14(4), (6), (15), 15(4).**

Cross references: Health and sanitation regulations generally, Ch. 13.

State law references: Municipal authority to regulate, Miss. Code 1972, § 75-29-103; municipality subject to regulations of county health department, § 41-3-43.

[Sec. 12-1. Definitions.](#)

[Sec. 12-2. Health certificate--Required before obtaining privilege license.](#)

[Sec. 12-3. Same--Compliance.](#)

[Sec. 12-4. Food handler's certificate.](#)

[Sec. 12-5. Adulteration of food--Generally.](#)

[Sec. 12-6. Same--Cottonseed meal.](#)

[Sec. 12-7. Same--Sale of unwholesome provisions.](#)

[Sec. 12-8. Sale of imitation foods regulated.](#)

[Sec. 12-9. Meat; compliance with law.](#)

[Sec. 12-10. Milk; compliance with law.](#)

Sec. 12-1. Definitions.

In construing this chapter the following terms shall have the respective meanings ascribed to them:

Food establishment: A buffet, lunchroom, lunch counter, restaurant, cafe, dining room, hotel, bakery, soda fountain, soft drink stand, grocery store, fruit stand, meat market, packinghouse, poultry market, fish market, hamburger stand, ice cream wagon, and every other public place where food is processed, served, prepared, sold, given in exchange, given away or consumed on the premises, and all establishments where food is prepared, stored or manufactured for use.

Health certificate: A certificate from the county health department stating that the establishment where applicant conducts such business, or proposes to conduct such business meets with the requirements of this chapter and other ordinances of the city and the regulations of the state board of health pertaining to said business. Said health certificate shall also be considered a permit.
(Code 1962, § 11-1)

Sec. 12-2. Health certificate--Required before obtaining privilege license.

Before any privilege license shall be issued for the operation of any food establishment hereof, or place where food is sold for human consumption, that party desiring license shall obtain a health certificate from the county health department stating that the establishment where applicant conducts such business, or proposes to conduct such business, meets with the requirements of the city ordinances and the regulations of the state board of health. Said certificate shall be for but one place of business, which shall be stated therein, and it shall not be assignable. Upon the presentation of said health certificate applicant may purchase a privilege

license from the city as provided by law.

(Code 1962, § 11-2)

Sec. 12-3. Same--Compliance.

Every person to whom a certificate is issued shall conduct his establishment in a clean and sanitary manner. No holder of such certificate shall sell or offer for sale or manufacture any article of food which is not clean and wholesome, and which if eaten by a human being would be deleterious to health.

(Code 1962, § 11-3)

Sec. 12-4. Food handler's certificate.

- (a) Every person who handles food in any way shall have in his possession at all times a certificate of health issued by the county health department stating that said person does not have or is not a carrier of any communicable or infectious disease. Health certificates shall be renewed semiannually.
- (b) No person who operates any food establishment shall employ or permit any person to work in such food establishment who does not have in his possession a current health certificate issued by the county health department which certificate has been issued within six months preceding.
- (c) The county health department may cancel a health certificate of any person when, after examination, such person is found to have some communicable or infectious disease, or is a carrier of such disease. The county health department may require the re-examination of any food handler at any time.

(Code 1962, § 11-4)

Sec. 12-5. Adulteration of food--Generally.

It shall be unlawful for any person to manufacture, sell, keep, offer or exhibit for sale any adulterated food; or to manufacture, sell, keep, offer or exhibit for sale any candy, confectionery or sweetmeat, in making which any preparation of lime or other deleterious substance is used.

(Code 1962, § 15-2)

Sec. 12-6. Same--Cottonseed meal.

It shall be unlawful for any person to adulterate any cottonseed meal with hulls, sawdust or anything else, without noting such adulteration in plain and legible characters on each sack, and it shall be unlawful for any person to sell any cottonseed meal adulterated with hulls, sawdust or anything else, without such adulteration being noted in plain and legible characters on each sack or receptacle thereof.

(Code 1962, § 11-7)

State law references: For similar provision of state law, Miss. Code 1972, § 97-23-15.

Sec. 12-7. Same--Sale of unwholesome provisions.

It shall be unlawful for any person knowingly and wilfully to sell, hold or offer for sale, any tainted, putrid, unsound, unwholesome, unmerchantable flour, or other provisions, as sound and good; or to practice any fraud or deception, to sell any damaged, unsound, or unmerchantable provisions.

(Code 1962, § 11-5)

Sec. 12-8. Sale of imitation foods regulated.

It shall be unlawful for any person to sell or manufacture, expose or offer for sale as an article of food, any oleomargarine or other substance in imitation of any article of food, without disclosing the imitation by a suitable and plainly visible mark or brand, indicating and naming what the substance really is.

(Code 1962, § 11-6)

Sec. 12-9. Meat; compliance with law.

It shall be unlawful for any person to sell, offer for sale or have on hand for the purpose of sale within the city, or to bring or send into or deliver within the city, for the purpose of being sold or offered for sale, or pursuant to any contract of sale previously made, any meat or meat product, unless the same shall have been slaughtered, dressed and prepared for sale in accordance with applicable state and federal law.

(Code 1962, § 11-16)

State law references: State inspection, Miss. Code 1972, § 75-35-7 et seq.; sale of unfit meat, § 97-27-19.

Sec. 12-10. Milk; compliance with law.

It shall be unlawful for any person to sell or deliver for consumption any milk or milk product which does not conform to federal law, state law, and the regulations of the state board of health, governing the production and sale of milk and milk products, as now or hereafter promulgated and in force.

(Code 1962, § 11-31)

State law references: For state milk regulations, see Miss. Code 1972, § 75-31-1 et seq.

Chapter 13 HEALTH AND SANITATION*

***Charter references:** Authority to enact health regulations, abate nuisances resulting from violation thereof, § 14(15); to prevent spread of diseases, § 14(16).

Cross references: Keeping livestock, § 5-7; keeping of hogs, § 5-10; keeping dogs and cats, § 5-13; dead animals to be removed from city, § 5-18; vaccination of dogs required, § 5-31; food and food handlers regulated generally, Ch. 12.

State law references: Control of health matters by county department of health, Miss. Code 1972, § 41-3-43.

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Article II. Garbage, Trash, Junk, Weeds

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Article III. Sewage Disposal

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ARTICLE I. IN GENERAL

Sec. 13-1. Enforcement of chapter--Right of entry of health authorities, compliance with notice.

For the purpose of enforcing the provisions of this chapter the director of health, which term shall include his duly accredited agents acting under his authority, may at all times enter in and upon any premises within his jurisdiction, and any person charged with any of the duties imposed by this chapter failing within the time designated by this chapter or within the time stated in the notice of the director of health, as the case may be, to perform such duties or to carry out the necessary measures to the satisfaction of the director, shall be deemed guilty of violation of this chapter and for each day after the expiration of this time that said person fails to comply with this chapter shall be deemed a separate violation of this chapter.

(Code 1962, § 13-6)

Sec. 13-2. Same--Compliance with orders as to disease.

It shall be the duty of all persons to obey the orders and comply with the instructions of the county health director, which term shall include his duly accredited agents acting under his authority, given or made with respect to any infectious or contagious disease.

(Code 1962, § 13-8)

Sec. 13-3. Poisons--Sale regulated.

(a) It shall not be lawful for any apothecary, druggist or other person, to sell or give away any article belonging to the class of medicines usually denominated poisons, except in compliance with the following requirements:

(1) *Register to be kept; labeling: He shall be required to register in a book kept for that purpose, the name, place of residence, age, sex and color of the person obtaining such poison, the quantity sold, the purpose for which it was required, the day and date on which it was obtained and the name and place of abode of the person for whom the article is intended; and he shall carefully mark the word "poison" upon the label or wrapper of each package.*

(2) *Arsenic to be mixed with soot or indigo: A druggist, apothecary or other person shall*

not sell or give away, except to physicians, any quantity of arsenic less than one pound without first mixing soot or indigo therewith in the proportion of one ounce of soot or half an ounce of indigo to the pound of arsenic.

- (b) A druggist, apothecary, or other person shall not sell or give away any embalming fluid for embalming the dead, which contains arsenic or other deadly poisons; nor shall any embalmer use any fluid containing arsenic or other deadly poison in embalming the dead.

(Code 1962, § 13-9)

State law references: For similar provisions, see Miss. Code 1972, § 97-27-21 et seq.; as to caustic poisons, see § 41-29-1 et seq.; for Controlled Substances Law, see § 41-29-101 et seq.
Sec. 13-4. Same--Sale to minors prohibited.

It shall be unlawful for any druggist, apothecary or other person to sell or give away any poison to any minor.

(Code 1962, § 13-10)

State law references: For similar provisions, see Miss. Code 1972, § 97-27-31.

Sec. 13-5. Mosquito control--Collections of water to be treated.

It shall be unlawful to have, keep, maintain, cause or permit within the city any collection of standing or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water is treated so as to effectively prevent such breeding.

(Code 1962, § 13-1)

Cross references: Accumulations of weeds, garbage and refuse, § 13-23 et seq.

Sec. 13-6. Same--Enumeration of prohibited collections of water.

Collections of water wherein mosquitoes breed or are likely to breed are those contained in ditches, pools, ponds, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, discarded vehicle tires, troughs (except those in frequent use), urns, cans, boxes, bottles, tubs, buckets, defective house roof gutters, tanks of flush closets or other similar water containers.

(Code 1962, § 13-2)

Sec. 13-7. Same--Method of treating water.

The methods of treatment of any collection of water wherein mosquitoes breed or are likely to breed, directed toward the prevention of breeding of mosquitoes shall be approved by the county health director, and may be one of the following:

- (1) Screening the same with wire netting at least 16 mesh to the inch each way, or with any other material which will effectively prevent the ingress or egress of mosquitoes.
- (2) Complete emptying every seven days of unscreened containers together with their thorough drying and cleaning.
- (3) Using a larvacide approved and applied under the direction of the health director.
- (4) Covering completely the surface of the water with kerosene, petroleum or paraffin oil once every seven days.
- (5) Cleaning and keeping the same sufficiently free of vegetable growth and other obstructions, and stocking with mosquito-destroying fish.
- (6) Filling or draining the same to the satisfaction of the health director.
- (7) Proper disposal, by removal or destruction, of tin cans, boxes, broken or empty bottles and similar articles likely to hold water.

(Code 1962, § 13-3)

Sec. 13-8. Same--Evidence of violation; failure to remedy.

The natural presence of mosquito larvae in standing or running water shall be evidence that mosquitoes are breeding therein, and failure to prevent such breeding within three days after

notice by the health director shall be deemed a violation of this chapter.

(Code 1962, § 13-4)

Sec. 13-9. Same--Abatement by health director.

Should the person responsible for conditions giving rise to the breeding of mosquitoes fail or refuse to take necessary measures to prevent the same within three days after due notice has been given to them, the health director shall be authorized to do so, and all necessary costs incurred by him for this purpose shall be charged against the property owner or other person offending, as the case may be.

(Code 1962, § 13-5)

State law references: Authority of health officer to enter premises for such purpose, Miss. Code 1972, § 41-25-1.

Sec. 13-10. Spitting on sidewalk.

It shall be unlawful for any person to spit upon any sidewalk.

(Code 1962, § 15-52)

Sec. 13-11. Noises--Purpose of provisions.

The purpose of section 13-12 is to control noises and the nuisance thereby created in such a manner as to cause the least hardship or offense to the greatest number of people.

The violation of any subsection of section 13-12 shall constitute a misdemeanor and be punished as provided in section 1-8 herein.

(Ord. of 4-24-2000)

Sec. 13-12. Same--Those prohibited.

Except as otherwise provided, the following noises and other noises of the same characteristics, intensity or annoyance shall constitute nuisances and are prohibited at all times and at all places within the city:

- (1) *Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, bus or other vehicle on any street or public place of the city except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device except by a peace officer when traffic is for any reason held up.*
- (2) *Radios, phonographs, etc. The use or operation of any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person of normal hearing who is in the room, vehicle or chamber in which such machine or device is operated and who is a voluntary listener thereto or allowing such use or operation. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.*
- (3) *Loudspeakers, amplifiers for advertising, etc. The use or operation of any radio or television, receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building, product, service, merchandise*

or political candidate, or allowing such use or operation, except as authorized by the governing body.

- (4) Yelling, shouting, etc. Yelling, shouting, hooting, whistling or singing on the public streets, particularly, between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.*
- (5) Animals, birds, etc. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.*
- (6) Steam whistles. The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.*
- (7) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.*
- (8) Defect in vehicle or load. The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noises.*
- (9) Loading, unloading and opening boxes, etc. The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle, or the opening and destruction of bales, boxes, crates and containers on Sundays, Christmas, New Year's or Thanksgiving or before 7:00 a.m. or after 11:00 p.m.; provided, however, under emergency conditions the governing body may, in its discretion, grant exceptions thereto.*
- (10) Adjacent to schools, courts, churches, hospitals, etc. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, or which disturbs or unduly annoys patients in the hospital; provided, conspicuous signs are displayed in such streets indicating that the same is a school, hospital, church or court street.*
- (11) Hawkers, peddlers, etc. The shouting or crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.*
- (12) Drums, etc. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.*
- (13) Firearms and fireworks. The explosion of firecrackers, skyrockets, Roman candles, pinwheels or any other form of fireworks or the unnecessary shooting of any firearms, except as specifically authorized by law or the proper official.*
- (14) Transportation of metal rails, pillars and columns. The transportation of rails, pillars or columns of iron, steel or other material, over and along the streets and other public places upon carts, drays, cars, trucks or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet on such streets or other public places.*
- (15) Operation of public transportation buses. The causing, permitting or continuing any excessive, unnecessary and avoidable noise in the operation of a public*

transportation bus.

- (16) *Pile drivers, hammers, etc. The operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise, except on written permission of the governing body prescribing the locality and the hours during which such operation is permissible.*
- (17) *Blowers. The operation of any noise-creating blower or power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.*
- (18) *Air-conditioning units. Self-contained, one-room air-conditioning units, up to one-ton capacity attached to the outside walls or windows of buildings within the city, and operated for the comfort of the occupants of such buildings, shall not be deemed in violation of this article where proof is established that such units are maintained in good mechanical condition. Air-conditioning units of more than one-ton capacity may not be operated within the city except where remote compressors are housed in soundproof rooms or on roofs, or where attached or immediately adjoining compressors are sound treated or baffled, and cooling coil and condensation water is disposed of, as prescribed by the city.*
- (19) *Public garages: In operating any public garage, disturbing the peace by racing the engine or motor of any motor vehicle, or by operating such motor without an adequate muffler, or by so manipulating such motor vehicle as to produce loud, tumultuous, offensive or annoying noise, whether any of such acts are committed within or outside of such public garage.*

(Code 1962, §§ 15-36--15-41, 15-45; Ord. of 4-24-2000)

Cross references: Boisterous or disorderly conduct of any kind, loud music and the like prohibited in establishments licensed to sell beer, § 4-14(2); mufflers on motor vehicles, § 21-3.

State law references: Municipal authority to regulate, suppress nuisances, Miss. Code 1972, § 21-19-1; to prohibit noises from manufacturing plants, § 21-19-15; constitutes an illegal act, § 97-35-9.

Sec. 13-13. Same--Not to prevent operation of automobiles, etc.

The requirements of section 13-12 shall not be construed to prevent the operation of automobiles or light delivery vehicles at any time; provided, however, that such motor vehicles shall at all times be properly muffled and shall be so operated as to create the least possible noise or nuisance.

Sec. 13-14. Same--Waiver of requirements.

The governing body shall have the right to waive any or all of the requirements of section 13-12 in cases where it deems such waiver to be in the public interest, or in case of emergency where the welfare of persons or property may be jeopardized by their strict enforcement.

Secs. 13-15--13-19. Reserved.

ARTICLE II. GARBAGE, TRASH, JUNK, WEEDS*

*Cross references: Garbage collection, § 22-40 et seq.

DIVISION 1. GENERALLY

Sec. 13-20. Littering or contaminating property generally.

It shall be unlawful for any person to deposit on any of the streets, sidewalks or public squares, or upon any premises, any excrement, tin cans, sweepings of stores or dwellings, paper, bones, peels or other unwholesome, decaying or unsightly matter or garbage whatsoever.

(Code 1962, § 12-9)

Sec. 13-20.1. Solid waste enforcement officer.

- (a) The Office of the Yazoo City's Building Inspector, shall be the responsible unit of city government to enforce those provisions of both the Mississippi Code Ann. and the Yazoo City Municipal Code as such statutes and ordinances pertain to solid waste disposal.
- (b) The assistant building inspector shall be designated as the solid waste enforcement officer, and shall have the authority, together with the building inspector, to issue citations for violations within the city limits for violation of the Mississippi Solid Waste Law, (MCA 1972, § 17-17-1 et seq.); the Mississippi Felony Dumping Law (MCA 1972, § 97-15-130); Mississippi Regulations Relating to Non-hazardous Waste Management; Mississippi Waste Tire Management and Waste Tire Transportation Regulations; together with all local ordinances and laws involving dumping of solid waste, land use and zoning issues.
- (c) The solid waste enforcement officer shall maintain an understanding of the local solid waste management system for Yazoo City and Yazoo County, including the following:
 - (1) Garbage collection services and frequency of collections.
 - (2) Yard waste and bulky waste or white goods collection program.
 - (3) Solid waste management disposal facilities and the days and hours of operation for such facilities.
 - (4) Special solid waste management programs (e.g. waste tires, medical wastes, electronic wastes, pesticide containers collection programs, household hazardous waste programs, etc.); and
 - (5) Recycling and pollution prevention programs and organizations.
- (d) The solid waste enforcement officer shall develop a local public education and outreach program containing features about local solid waste management and recycling programs available in the area, the penalties for illegal dumping or other violation of state and municipal law and other environmental issues regarding solid waste management and disposal.
- (e) The solid waste enforcement officer shall develop a working relationship with other departments and agencies of government and the community, civic organizations, and local environmental groups together with the Mississippi Department of Environmental Quality.
- (f) The solid waste enforcement officer shall report to the board of mayor and aldermen on a monthly basis on any unauthorized dumps discovered and of his efforts to have such unauthorized dumps cleaned up by the responsible party or parties.

(Ord. of 10-24-2005(4))

Sec. 13-21. Placing of trees, limbs, trash, etc., on or in streets, sidewalks, gutters or ditches--Generally.

- (a) It shall be unlawful for any person in the city to place, cause, permit or allow any trees, limbs, shrubs, dirt, trash, paper, grass or other waste matter or material to be placed upon any paved or improved portion of any street, sidewalk or alley or in any ditch, gutter or drainage system of the city.
- (b) It shall be unlawful for any person in the city to place, cause, permit or allow any trees, limbs, shrubs, trash building material or waste matter or material having a length of more than six feet or a weight of more than 60 pounds to be placed upon any unimproved

portion of any street, sidewalk, or alley for removal by the city or its employees.

- (c) The city shall have the right to refuse to pick up, remove, haul or otherwise dispose of, any trees, limbs, shrubs, dirt, trash, paper, grass, building material or waste matter or material that may be placed in a city right-of-way in violation of subsections (a) and (b) hereof.

(Code 1962, § 12-7; Ord. of 6-24-68, § 1; Ord. of 5-12-80, §§ 1--3)

Cross references: Abandoned property, §§ 13-25 et seq., 21-70 et seq.; storing property in streets, § 18-5; permit to distribute handbills, § 14-60.

Sec. 13-22. Same--Duty of owner, manager of premises abutting streets.

Any person selling goods, wares or merchandise in containers, wrappers or packages which when removed therefrom may be thrown in the streets or on the sidewalks of the city shall keep the sidewalks and streets adjacent to his premises clean and free from such matter, and this section shall apply not only to the owners and operators of stores and businesses, but also to the manager in charge of such store or business.

(Code 1962, § 12-10)

Sec. 13-23. Accumulations of vegetation, garbage, refuse on private premises--Prohibited.

It shall be unlawful for any owner or occupant of any lot, yard or like piece of ground in the city to permit weeds, grass, shrubbery or other growth to grow over or accumulate thereon to the extent that the same may engender or foster disease or become unsanitary and prejudicial to the public health; or to permit filth, garbage or other like matter to accumulate thereon to said extent; and it shall be the duty of every owner or occupant of such property to immediately clean off the same and render the same free from such weeds, grass, shrubbery, growth, filth, garbage or other like matter upon being notified in writing by the mayor or county health director so to do, and that the same is in an unsanitary condition and prejudicial to the public health.

(Code 1962, § 12-3)

Sec. 13-24. Same--Failure to comply.

In addition to any penalty, if any owner or occupant of any lot, yard or like piece of ground in the city shall fail to clean off the same, as required in section 13-23 within three days from the receipt of notice to do so said property shall be cleaned off by the county health director or city street superintendent, who shall keep an accurate account of the expense thereof and report the same to the tax assessor or collector, who shall charge the same and 25 percent damages thereon to said property as a part of the taxes for the current year; and said officers, or anyone directed by them, shall have full authority to enter upon private property for the purpose of carrying into effect the provisions of this section.

(Code 1962, § 12-4)

Cross references: Removal of property stored in streets required, § 18-6.

Sec. 13-25. Sidewalks to be kept clear of vegetable growth.

It shall be unlawful for owners or occupants of any lot, yard or piece of ground in the city abutting on any sidewalk to permit weeds, grass or any kind of vegetable growth to grow over or cover the sidewalk, whether paved or unpaved, on which such lots, yards or pieces of ground may abut, whether said property be occupied or not, and it shall be the duty of every owner of property and the occupants thereof, to keep all sidewalks on which their property abuts free from weeds, grass and vegetable growth.

(Code 1962, § 12-5)

Sec. 13-26. Removal of building debris.

- (a) Any person engaged in the erection, alteration, enlargement, repairs, removal or demolition of any building or other structure within the city and upon any lots or lands within the boundary of the city shall remove from the premises on which said building or

structure may be located or may have been located and from the streets, sidewalks and alleys adjacent and contiguous thereto, all debris, building materials, waste materials, trash, bricks, mortar, roofing materials, and other such materials and any debris occasioned by the erection, alteration, enlargement, repairs, removal or demolition of said structure within a period of 20 days after the completion of said work on said premises or within a period of 30 days from the mailing or making of a notice or demand from the mayor or other authorized official of the city upon such person to remove the same, whichever period may be shorter.

- (b) Upon any failure of such person so to remove said debris or building materials and other waste materials and debris hereinabove specified within the period so specified, such person shall be guilty of a misdemeanor and upon conviction thereof, shall be punished as provided in section 1-8 for each violation and each day after the expiration of the period of time hereinabove provided for the removal thereof.
- (c) The application for and the obtaining of a building permit from the city by any such person so engaged in the city, shall constitute an express agreement by such person that by the issuance and acceptance of such permit the terms and provisions of this section will be carried out by such person to whom said permit is issued.
- (d) In addition to the penalties hereinabove provided, such person shall be liable to the city for the cost of the removal of said materials from said lots, streets, alleys, sidewalks, or premises as may be occasioned by the city or the owner of said property in the removal of such materials therefrom.

(Code 1962, § 12-6; Ord. of 1-10-72, §§ 1--3)

Sec. 13-27. Removal of tree limbs and cut trees.

- (a) Any contractor or other person hired, employed or engaged in the occupation of cutting down, taking down, trimming, or otherwise removing from any property, public or private, within the city, any tree shall at his expense promptly remove the limbs, branches, and trucks of such trimmed, cut down or removed trees from the premises, public or private, from which so removed and such trees, branches, limbs, logs, or trunks, shall not be deposited upon, stored, or located in or on any public street, alley or right-of-way of the city.
- (b) In the event such contractor or other person fails to remove such trees or parts of trees as herein required, such persons shall be liable to the penalties so provided herein, and the owners or occupants of such premises shall be required to remove the same as herein provided, and subject to the penalties herein provided.
- (c) Any contractor or other person violating the provision of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in section 1-8, and each violation shall be held to be a separate offense and punishable as such.

(Ord. of 7-24-72, § 2)

Sec. 13-28. Removal of doors or locks from iceboxes, etc.

It shall be unlawful for any person to leave outside of any building or dwelling or to abandon, discard, throw away or store at any place accessible to any child any abandoned, unattended or discarded icebox, refrigerator or other container of any kind which has an airtight door or lock which may not be released for opening from the inside of said icebox, refrigerator or container, without first removing the door or lid, or the locks from such icebox, refrigerator or container.

(Code 1962, § 15-1)

State law references: Similar prohibition, Miss. Code 1972, § 97-5-9.

Sec. 13-29. Placement of solid waste disposal containers.

- (a) All solid waste disposal containers, such containers defined as cans, carts or bags, which

are now or may be utilized for the collection of solid waste shall not remain or be placed closer than fifteen (15) feet to the public streets on non-scheduled solid waste collection days.

- (b) Any person violating this section shall be subject to punishment as provided in section 1-8 of this Code of Ordinances.

(Ord. of 3-27-2000, § 1, 2)

Editor's note: An ordinance adopted Mar. 27, 2000, pertained to placement of solid waste containers. Such provisions did not specify manner of codification; hence, inclusion as § 13-29 was at the discretion of the editor.

Sec. 13-30. Acts of scavenging by persons from containers, boxes, piles or other accumulations of garbage, debris, etc.

- (a) In order to better control the spread of garbage, refuse, litter and debris, the spread of germs, diseases, contaminations, infections and other unhealthy situations and to insure a cleaner, safer and more healthy community and citizenry, it is hereby declared to be illegal for any person within the corporate limits of the city, for any person to scavenge or engage in the activity of searching, going through, sorting, rummaging, picking through or similarly physically handling collections, containers, cans, piles, heaps, bundles or other accumulations of garbage, refuse, litter or debris whether on public or private property, for the purpose of removing therefrom any item of use, utilization or value.
- (b) Nothing in this section shall be construed to prohibit any person from engaging in any type of program of recycling such materials which has been approved by the board of mayor and aldermen of this city; any employee of any governmental agency, city, county, regional, state or federal from the performance of his official duties, or any person from seeking to recover items of value from his own garbage, refuse, litter and debris.

(Ord. of 5-11-92, § 1)

Secs. 13-31--13-34. Reserved.

DIVISION 2. ABANDONING OR STORING VEHICLES, JUNK, ETC., ON PRIVATE PROPERTY*

***Cross references: Property abandoned on streets, § 21-70 et seq.**

State law references: Abandoned motor vehicle law, Miss. Code 1972, § 63-23-1 et seq.

Sec. 13-35. Definition.

An abandoned motor vehicle is defined for the purpose of this division as one in a state of disrepair and incapable of being moved under its own power.

(Ord. of 9-30-68, § 2)

Sec. 13-36. General prohibition.

- (a) It shall be unlawful for the owner, occupant, or agent or employee thereof, of any lot, area or premises located within the corporate limits of this city to use or permit to be used, such lot, area or premises for the storage, burial or other disposal, either permanent or temporary, of any material, including but not limited to building materials or supplies, tires, automotive parts and equipment, petroleum products, metals, paper, chemicals whether farm, home or industrial, and food or human waste, but the provision of this subparagraph (a) shall not apply unto trees, limbs, bushes, grasses or other vegetation.
- (b) It shall be unlawful for the owner, occupant or agent or employee thereof, of any lot, area or premises located within the corporate limits of this city used for the storage or disposal of any trees, limbs, bushes, grasses or other vegetation to permit said lot, area or premise

to become unsanitary or in a condition that would be detrimental to the health of the community. All such trees, limbs, bushes, grasses or other vegetation so stored or disposed of within the corporate limits of this city shall be buried under a minimum of 12 inches of dirt or similar materials in such a regular manner as to prohibit the same from becoming unsanitary or otherwise detrimental to the health of this community.

- (c) It shall be unlawful for the owner, occupant or agent or employee thereof, of any lot, area or premise located within the corporate limits of this city to use such lot, area or premises for the storage, burial or other disposal, either permanent or temporary, of trees, limbs, bushes, grasses or other vegetation without first securing from this city or its designated agent a license to conduct such operation and a permit to conduct such business.
- (d) Any license and permit required under the provisions of this section shall be granted by the designated agent of the city only after the approval of the planning and zoning commission as a special exception under the provisions of the zoning ordinances of this city and fire marshal of this city as well as the state department of health. Such license and permit shall be valid for a period of 60 days and shall be renewable upon the application thereof in accordance with the provisions of this article.
- (e) It shall be unlawful for any person to store, bury or dispose of any materials on any lot, area or premise located within the corporate limits of this city any material whose storage, burial or disposal is prohibited under the provisions of paragraph (a) hereof or to store, bury or dispose of any materials whose so storage, burial or disposal is limited under the provisions of paragraph (b) hereof without first receiving written authorization from the holder of a valid license and permit issued under the provisions of this article.

(Ord. of 9-30-68, § 1; Ord. of 8-14-89, § 1; Ord. of 2-10-92, § 1)

Cross references: Removal of refrigerator locks, § 13-28.

Sec. 13-37. Storing motor vehicles in residential areas.

It shall be unlawful for any person to store for sale, transfer, future use or repair any motor vehicle, being any automobile, truck or bus, in any areas which are presently classified R-1, R-2 and R-3 districts by the city zoning ordinance, except where preexisting nonconforming uses permit such storage.

(Ord. of 2-23-76)

Sec. 13-38. Abatement by public authorities.

If any owner, occupant, or agent, or employee thereof, of any such lot, area, or premises shall fail to clean off said property within seven days from the receipt of notice from the police department of the city to do so, said property may be cleaned of such articles by the county health department or the city street superintendent, or under their direction, who shall keep an account of the expense thereof and report the same to the city tax assessor or collector who shall charge said expense, together with 25 percent damages thereon to said lot, area or premises as a part of the taxes for the current year, and collect said expense and damages along with all other taxes on said property, and such health department or street superintendent shall have full authority to enter upon private property for the purpose of carrying into effect the provisions hereof.

(Ord. of 9-30-68, § 3)

Sec. 13-39. Punishment for violation.

In addition to the foregoing provisions for the removal of said properties or articles from said premises and the collection of the expense thereof, any person violating any of the provisions hereof shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in section 1-8.

Sec. 13-40. Notice of violations.

All notices required to be given pursuant to chapter 13 of the Code of the City of Yazoo City, styled "Health and Sanitation" shall be deemed to have been given as required by said

chapter 13 upon the mailing thereof by U.S. mail, postage prepaid to the owner of record and address thereof as shown on the then most recent ad valorem tax record of said city.

(Ord. of 5-11-87, § 1)

DIVISION 3. SOLID WASTE DISPOSAL, COMMERCIAL UNITS

Sec. 13-41. Collection.

- (a) All premises, locations or entities, public or private, within the incorporated limits of the city, not a residential unit are defined as commercial units. Solid waste collection and disposal service for commercial units will be provided by the city subject to the following regulations.
- (b) The city will provide curbside collection for all commercial units within the incorporated limits of the city two times per week for solid waste not in excess of six bags, not to exceed 35 pounds each, or six garbage cans, not to exceed 30 gallons and with two permanently attached handles for lifting and a secure lid, or a combination of six bags and cans each collection time.

The city shall bill each commercial unit for solid waste collection and disposal at a rate to be determined by action of the board of mayor and aldermen.

- (c) Any commercial unit requiring more service than the amount specified in subsection (b) above shall be required to contract for a commercial container defined as any metal container of two cubic yards or greater serviced by a commercial collection garbage truck. It shall be the responsibility of said commercial establishment to obtain, at negotiated rates, such solid waste collection and disposal service, and to keep the containers free from accumulation of any substance on the inside or the outside which would attract or breed flies, mosquitoes or other insects or rodents and free of noxious odors.

Commercial units requiring more service than provided by curbside collection shall provide a copy of their contract to the city clerk to obtain waiver of regular curbside collection fees.

The city may inform, in writing, the owner or agent of the commercial establishments of need for additional dumpsters or more frequent pickup, and failure of such unit to comply with the directive within 15 days shall be a misdemeanor.

- (d) It shall be the duty of the owner, manager or operator of every commercial establishment to provide for removal and disposal of its solid waste in such a manner and with sufficient frequency to cause the premises to be free from litter at all times. Except during the hours when the disposal service is to be provided, containers for such disposal shall not be placed in public right-of-way or on the sidewalk.

Commercial establishments shall use such containers as are necessary to avoid the scattering of their solid waste.

- (e) Violation of this section shall be punished as a misdemeanor as provided in section 1-8. (Ord. of 4-24-00)

Editor's note: An ordinance adopted Apr. 24, 2000, pertained to solid waste disposal for commercial units. Such ordinance did not specify manner of codification, but has been deemed as superseding an ordinance adopted May 12, 1997, which pertained to similar subject matter, and the 2000 ordinance has been designated herein by the editor as § 13-41. Secs. 13-42--13-44. Reserved.

DIVISION 4. LITTER; ABATEMENT OF UNHEALTHFUL CONDITIONS*

***Editor's note: Ordinances adopted Jan. 27, 1997, and May 10, 1999, pertained to litter and abatement of certain conditions on premises. Such provisions did not specify manner of codification, but have been included herein as §§ 13-45--13-47. See also §§ 13-20--13-24, and in the event of conflict between such sections and §§ 13-45--13-47, it is presumed that the most recent provisions will prevail.**

Cross references: Litter and accumulation of vegetation, refuse, etc., generally, §§ 13-20--13-24.

Sec. 13-45. Premises to be kept litter-free.

- (a) Persons owning or occupying private premises shall make reasonable efforts to keep such premises free of litter.
- (b) Persons owning or occupying commercial locations shall make reasonable efforts to keep such locations free of litter.
- (c) Private premises solid waste receptacles shall at all times be maintained in such a manner as to keep the public areas adjacent to private premises free of litter.
- (d) Commercial location of solid waste receptacles shall at all times be maintained in such a manner as to keep the public areas adjacent to the commercial location free of litter.
- (e) Litter for the purpose of this section shall be any paper, can, bottle, paper object, metal object, glass object or like matter which tends to pollute, mar or deface, into, upon or about the surface where such object or matter is located.
- (f) Violation of this section shall be a misdemeanor to be punished as provided in section 1-8. (Ord. of 5-10-99)

Editor's note: An ordinance adopted May 12, 1997, pertained to similar subject matter and was deemed as being superseded by the ordinance adopted May 10, 1999. See also the editor's footnote to Div. 4.

Sec. 13-46. Litter prohibited.

- (a) Anyone who shall put, throw, dump or leave on the public property of the city, other than in a designated depository, any litter, refuse, cigarette or cigar stub, trash, can, bottle, or other like item shall be guilty of a misdemeanor and punished as provided in section 1-8 and the minimum fine for each offense shall be no less than \$250.00.
 - (b) Anyone who shall put, throw, dump or leave on the private property of any person, without the owner's or occupant's permission, and litter, refuse, cigarette, or cigar stub, trash, can, bottle, or other like item shall be guilty of a misdemeanor and punished as provided in section 1-8 and the minimum fine for each offense shall be on less than \$250.00.
 - (c) In lieu of a fine the municipal court may impose a penalty of 24 hours of community service for a first-time violation of subsections (a) or (b) of the section, or 40 hours of community service for a second violation, such service to be performed under the direction and control of the Street Superintendent for the City of Yazoo City.
 - (d) Litter for the purpose of this section shall be any paper, can, bottle, paper object, metal object, glass object or like matter, which tends to pollute, mar or deface, into, upon, or about the surface where such object or matter is located.
- (Ord. of 5-12-97; Ord. of 5-10-99; Ord. of 1-12-2004)

Editor's note: An ordinance adopted May 12, 1997, pertained to similar subject matter and was deemed as being superseded by the ordinance adopted May 10, 1999. See the editor's footnote to Div. 4.

Sec. 13-47. Abatement.

- (a) The city on its own motion, or upon the receipt of a petition requesting the city to so act signed by a majority of the residents residing upon any street or alley within 300 feet of any parcel of land alleged to be in need of cleaning, to give notice to the property owner by U.S. registered mail or certified mail two weeks before the date of a hearing, or if the property owner be unknown or his address unknown, then by two weeks' notice in a newspaper having a general circulation in Yazoo City, of a hearing to determine whether

or not any parcel of land is in such a state of uncleanness as to be a menace to the public health and safety of the community. If, at such hearing, the board of mayor and aldermen shall, in its resolution, adjudicate such a parcel of land in its then condition to be a menace to the public health and safety of the community, the board of mayor and aldermen shall, if the owner does not do so himself, proceed to clean the land, by the use of municipal employees or by contract, by cutting weeds, filling cisterns, removing rubbish, dilapidated fences, outside toilets, dilapidated buildings and other debris; and draining cesspools and standing water therefrom. Thereafter, the board of mayor and aldermen may, at its next regular meeting, by resolution adjudicate the actual cost of cleaning the property and may also impose a penalty in an amount not to exceed 25 percent of such actual cost. The cost and any penalty may become a civil debt against the property owner, or, at the option of the board of mayor and aldermen, an assessment against the property. The cost assessed against the property means the cost to the city of using its own employees to do the work or the cost to the city of any contract executed by Yazoo City to have the work done. The action herein authorized shall not be undertaken against any one parcel of land more than five times in any one calendar year, and the expense of cleaning of said property shall not exceed an aggregate amount of \$10,000.00 per year, or the fair market value of the property subsequent to cleaning, whichever is less.

- (b) In the event the board of mayor and aldermen declares, by resolution, that the cost and any penalty shall be collected as a civil debt, the board of mayor and aldermen may authorize the institution of a suit on open account against the owner of the property in a court competent jurisdiction in the manner provided by law for the cost and any penalty, plus court costs, reasonable attorneys' fees and interest from the date that the property was cleaned.
- (c) In the event that the board of mayor and aldermen does not declare that the cost and any penalty shall be collected as a civil debt, then the assessment above provided for shall be a lien against the property and may be enrolled in the office of the Circuit Clerk of Yazoo County as other judgments are enrolled, and the tax collector of the city shall, upon order of the board of mayor and aldermen, proceed to sell the land to satisfy the lien as now provided by law for the sale of lands for delinquent municipal taxes.
- (d) All decisions rendered under the provisions of this section may be appealed in the same manner as other appeals from municipal boards or courts are taken.
- (e) The police officer's return on the notice may be in one of the following forms:
 - (1) *Form of personal notice:*
I have this day delivered the within notice personally, by delivering to the within named property owner, _____, a true copy of this notice.
This the _____ day of _____, 19_____.
Police Officer
 - (2) *Form of notice where copy left at residence:*
I have this day delivered the within notice to _____, within named property owner, by leaving a true copy of the same at his (or her) usual place of abode in my municipality, with _____, his (or her), _____ a member of his (or her) family above the age of 16 years, and willing to receive such copy. The said property owner is not found in my municipality.
This the _____ day of _____, 19_____.
Police Officer
 - (3) *Form of return when property owner not found within municipality and is a nonresident thereof:*
I have this day attempted to deliver the within notice to _____, the within

named property owner, and after diligent search and inquiry, I failed to find the same property owner within my municipality, nor could I ascertain the location of any residence of the property owner within my municipality.

This the _____ day of _____, 19_____.

Police Officer

(Ord. of 1-27-97)

Secs. 13-48, 13-49. Reserved.

ARTICLE III. SEWAGE DISPOSAL*

***Charter references: Authority to prescribe construction, use of sewers, § 14(14).**

Cross references: Plumbing code, § 6-90; city sewer service, Ch. 22; sealing of unused connections and lines, § 22-22; correction of defective plumbing, § 22-23.

State law references: Municipal authority to hold property for sewer purposes, Miss. Code 1972, § 21-17-1; to regulate connection of property with sewers, § 21-19-1; to regulate laying, maintaining of pipelines, § 21-27-5; to exercise right of eminent domain for sewer purposes, § 21-37-47; to exercise full jurisdiction in the matter of sewers, § 21-37-3.

Sec. 13-50. Reserved.

Sec. 13-51. Privies prohibited; connection of water closets to sanitary sewer or septic tank.

It shall be unlawful for any person to erect, dig, maintain or have a pit privy or dry closet within the city. All water closets shall be connected to the city sanitary sewer system if available, and if not, to an approved septic tank.

(Code 1962, § 13-7)

Sec. 13-52. Disposal of human excreta and other liquid wastes at bus stations, depots or similar public places.

- (a) At each bus station, depot or similar establishment there shall be provided and kept open at all hours a sanitary method for the disposal of all human excreta adequate to the needs of the people to be served.
- (b) The owner, or his agent, of any such property, shall be responsible for the installation, construction and maintenance thereon of a sanitary method of disposal of human excreta and other liquid wastes as prescribed in subsection (a).

(Code 1962, § 13-14; Ord. of 2-3-70, § 1)

Chapter 13.5 HISTORIC PRESERVATION*

***Editor's note: Ord. of Oct. 25, 2004, repealed Ch. 13.5 in its entirety, relative to historic preservation, and re-enacted Ch. 13.5 to read as herein set out. The provisions of former Ch. 13.5 derived from an ordinance adopted June 27, 1988.**

Cross references: Buildings and construction, Ch. 6; planning, Ch. 17; zoning, App. A; subdivisions, App. B.

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Sec. 13.5-1. Statement of purpose.

The city hereby recognizes that the City of Yazoo City is known for its extensive and concentrated collection of architectural styles where unique qualities have proven increasingly attractive to residents, business interests, and tourists.

As a matter of public policy the city aims to preserve, enhance, and perpetuate those aspects of the city having historical, cultural, architectural, and archaeological merit. Such historic activities will promote and protect the health, safety, property, education, and general welfare of the people living in and visiting Yazoo City.

More specifically, this historic preservation chapter is designed to achieve the following goals:

- (a) Protect, enhance and perpetuate resources which represent distinctive and significant elements of the city's historical, cultural, social, economic, political, archaeological, and architectural identity;
- (b) Insure the harmonious, orderly, and efficient growth and development of the city;
- (c) Strengthen civic pride and cultural stability through neighborhood conservation;
- (d) Stabilize the economy of the city through the continued use, preservation, and revitalization of its resources;
- (e) Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
- (f) Promote the use of resources for the education, pleasure, and welfare of the people of the City of Yazoo City.
- (g) Provide a review process for the preservation and appropriate development of the city's resources.

(Ord. of 10-25-2004)

Sec. 13.5-2. Definitions.

Unless specifically noted otherwise, the following definitions are standards throughout this chapter:

Alteration: Any change in the exterior appearance or materials of a landmark or a structure within a historic district or on a landmark site.

Applicant: The owner of record of a resource; the lessee thereof with the approval of the owner of record in notarized form; or a person holding a "bona fide" contract to purchase a resource.

Appurtenance: An accessory to a building, structure, object, or site, including, but not limited to, landscaping features, walls, fences, light fixtures, steps, paving, sidewalks shutters, awnings, solar panel, satellite dishes, and signs.

Building: A structure created to shelter any form of human activity, such as a house, garage, barn, church, hotel, or similar structure.

Certificate of appropriateness: An official signed and dated governmental document issued by either a local historic preservation commission or a governing authority to permit specific work in a historic district or at a landmark site of landmark which has been reviewed and approved.

Certified local government (CLG): A federal program authorized by the National Historic Preservation Act 16 U.S.C. 470 et seq., that provides for the participation of local governments in a federal/state/local government preservation partnership. The federal law directs the State Historic Preservation Officer of Mississippi and the secretary of the interior to certify local governments to participate in this partnership. Specific Mississippi requirements for the program are published in the "State of Mississippi, Procedures for the Certified Local Government Program."

City/town: The City of Yazoo City as represented by the board of mayor and aldermen.

Construction: Work which is neither alteration nor demolition. Essentially, it is the erection of a new structure which did not previously exist, even if such a structure is partially joined to an existing structure.

Demolition: The intentional removal of a structure within a local historic district or on a landmark site or which has been designated as a landmark.

Demolition by neglect: Substantial deterioration of a historic structure that results from improper maintenance or a lack of maintenance.

Design review guidelines: As adopted by the local historic preservation commission, shall be in a written form designed to inform local property owners about historical architectural styles prevalent in a community and to recommend preferred treatments and discourage treatments that would compromise the architectural integrity of structures in a historic district or on a landmark site or individually designated as landmarks.

Exterior features: Exterior features or resources shall include, but not be limited to, the color, kind, and texture of the building material and the type and style of all windows, doors, and appurtenances.

Historic district: A group of two or more tax parcels and their structures, and may be an entire neighborhood of structures linked by historical association or historical development. It is not necessary that all structures within a historic district share the same primary architectural style or be from the same primary historical period. A historic district may also include both commercial and residential structures, and may include structures covered by two or more zoning classifications. A historic district may include both contributing and noncontributing structures. A historic district is designated by the commission and approved by the city through an ordinance.

Historic landmark: A structure of exceptional individual significance, and its historically associated land, which typically could not be included within a local historic district or other appropriate setting. A historic landmark is designated by the commission and approved by the city through an ordinance.

Historic preservation commission: The Yazoo City Historic Preservation Commission, is a local historic preservation commission established to advise the local government on matters relating to historic preservation, including the designation of historic districts, landmarks and landmark sites, and which may be empowered to review applications for permits for alteration, construction, demolition, relocation or subdivision for structures in historic districts or on landmark sites or designated as landmarks.

Improvement: Additions to or new construction on landmarks or landmark sites, including,

but not limited to, buildings, structures, objects, landscape features, and manufactured units, like mobile homes, carports, and storage buildings.

Landmark site: A location where a primary architectural or historical resource formerly stood or a significant historic event took place or an important archeological resource remains. For the purposes of this chapter, a landmark site encompasses prehistoric or historic sites on unimproved or improved land. A historic landmark is designated by the commission and approved by the city through an ordinance.

Landscape: Any improvement or vegetation including, but not limited to: Shrubbery, trees, plantings, outbuildings, walls, courtyards, fences, swimming pools, planters, gates, street furniture, exterior lighting, and site improvements, including but not limited to, subsurface alterations, site regrading, fill deposition, and paving.

National historic landmark: A district, site, building, structure, and/or object that has been formally designated as a national historic landmark by the secretary of the interior and possesses exceptional value or quality in illustrating or interpreting the heritage of the United States in history, architecture, archaeology, engineering, and culture and that possesses a high degree of integrity of location, design, setting, materials, workmanship, feeling, and association. National historic landmarks are automatically listed in the National Register.

National Register of Historic Places: A federal list of cultural resources worthy of preservation, authorized under the National Historic Preservation Act of 1966 as part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect the nation's historic and archaeological resources. The National Register Program is administered by the commission, by the state historic preservation office, and by the National Park Service under the department of the interior. Significant federal benefits may accrue to owners of properties listed or determined eligible for listing in the National Register.

Object: A material thing of functional, cultural, historical, or scientific value that may be, by nature or design, movable, yet related to a specific setting or environment.

Ordinary repair or maintenance: Work done to prevent deterioration of a resource or any part thereof by returning the resource as nearly as practical to its condition prior to such deterioration, decay, or damage.

Owner of record: The owner of a parcel of land, improved or unimproved, reflected on the city tax roll and in county deed records.

Period of greatest historic significance for a landmark: The time period during which the landmark had been essentially completed but not yet altered. It is also the period during which the style of architecture of the landmark was commonplace or typical. If a landmark also achieved historical importance in part because of designed landscape features, the period of greatest historic significance includes the time period during which such landscape features were maintained.

Relocation: The moving of a structure to a new location on its tax parcel or the relocation of such a structure to a new tax parcel.

Resources: Parcels located within historic districts, individual landmarks, and landmark sites, regardless of whether such sites are presently improved or unimproved. Resources can be both separate buildings, districts, structures, sites, and objects and related groups thereof.

Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings: A federal document stating standards and guidelines for the appropriate rehabilitation and preservation of historic buildings.

Site: The location of a significant event, a prehistoric or historic occupation or activity, or

a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing buildings, or objects.

State historic preservation office: The Historic Preservation Division of the Mississippi Department of Archives and History.

State historic preservation officer: The director of the Mississippi Department of Archives and History.

Structure: A manmade object and typically will be visible because of portions which exist above grade. Structures built during the historic period, 1700 forward, may in some instances not be visible above grade if they are cellars, cisterns, icehouses or similar objects which by their nature are intended to be built into the ground. A structure includes both interior components and visible exterior surfaces, as well as attached elements such as signs and related features such as walks, walls, fences and other nearby secondary structures or landmark features.

Subdistricts: Discrete areas within a larger historic district within which separate design guidelines are appropriate and that may be created to recognize different zoning classifications or historic development patterns which have caused adjacent historic areas to develop at different times.

Subdivision: Any change in the boundaries of a single tax parcel, whether the change results in expansion or reduction or boundary relocation.

Substantial deterioration: Structural degradation of such a nature that water penetration into a historic structure can no longer be prevented, or structural degradation that causes stress or strain on structural members when supports collapse or warp, evidence of which includes defective roofing materials, broken window coverings and visible interior decay.

Survey of resources: The documentation, by historical research or a photographic record, of structures of historical interest within a specified area or jurisdiction or of existing structures within a proposed historic district.

Unauthorized demolition: The deliberate demolition of a historic structure without prior review and approval by a local historic preservation commission or a governing authority to which such a commission has made a recommendation.

Unreasonable economic hardship: The definition under constitutional standards used to determine whether a "taking" exists.

(Ord. of 10-25-2004)

Sec. 13.5-3. Preservation commission, composition, and terms.

By virtue of MCA 1972, §§ 39-13-5, 39-15-7 and 39-13-9 as amended, the city is authorized to establish a preservation commission to preserve, promote and develop the city's historical resources and to advise the city on the designation of historic districts, landmarks, and landmark sites and perform such other functions as may be provided by law. All members of the commission are appointed by the city and shall serve at the will and pleasure of the city and shall serve staggered terms. The commission shall consist of nine members who are residents of the City of Yazoo City. All members of the commission shall serve for terms not to exceed six years and shall be eligible for reappointment. All commission members shall have a demonstrated knowledge of or interest, competence, or expertise in historic preservation. To the extent available in the community, the city shall appoint professional members from the primary historic preservation-related disciplines such as urban planning, American studies, American civilization, cultural geography, cultural anthropology, interior design, law, and related fields. The city shall document a good faith effort to locate professionals to serve on the commission before appointing lay members. Also the city shall document a good faith effort to locate residents of the municipality to serve on the commission before appointing individuals who own property within the boundary

of the municipality or are in the service of an employer located within the boundary of the municipality.

- (a) The city shall publish at least one notice in a newspaper in its jurisdiction to solicit responses from citizens who are professionals in the related fields of historic preservation and who are interested in serving on the commission. The city may contact known professionals and interested lay persons and invite submission of their qualifications in written resume form.
- (b) The city shall provide three weeks (15 working days) for responses. Respondents shall submit, in written resume form, information concerning their demonstrated interest, competence, knowledge, or expertise. Such information should include, but is not limited to, educational and professional background, membership in appropriate preservation organizations, subscriptions to suitable professional publications, volunteer work, attendance at workshops and seminars, and other relevant experience.
- (c) When the city has collected adequate information concerning the potential appointees to the commission, it shall decide, with the assistance of the state historic preservation office, if desired, which candidates are qualified for appointment to the commission.

(Ord. of 10-25-2004)

Sec. 13.5-4. Powers of the commission.

In order to preserve, promote, and develop the distinctive appearance and the historic resources of Yazoo City and to accomplish the purposes set forth in MCA 1972, § 39-13-5 as amended, and in this chapter:

- (a) The commission shall conduct or cause to be conducted a continuing study and survey of resources within the City of Yazoo City.
- (b) The commission shall recommend to the city the adoption of ordinances designating historic districts, landmarks, and landmark sites.
- (c) The commission may recommend that the city recognize subdistricts within any historic district, in order that the commission may adopt specific guidelines for the regulation of properties within such a subdistrict.
- (d) The commission shall review applications proposing construction, alteration, demolition, or relocation of any resource as defined in section 13.5-2 above.
- (e) The commission shall grant or deny certificates of appropriateness, and may grant certificates of appropriateness contingent upon the acceptance by the applicant of specified conditions.
- (f) The commission shall not consider interior arrangements of buildings and structures except that it shall advise the Mississippi Department of Archives and History on questions relating to the interiors of publicly owned resources.
- (g) The commission, subject to the requirements of the city, is authorized to apply for, receive, hold and spend funds from private and public sources, in addition to appropriations made by the city for the purpose for carrying out the provisions of this chapter.
- (h) The commission is authorized to employ such staff or contract with technical experts or other persons as may be required for the performance of its duties and to obtain the equipment, supplies, and other materials necessary for its effective operation.
- (i) The commission is authorized, solely in the performance of its official duties and only at reasonable times, to enter upon private land for the examination or survey thereof. No member, employee, or agent of the commission shall enter any private

dwelling or structure without the express consent of the owner of record or occupant thereof.

- (j) Paint color changes are outside the jurisdiction of the commission.

(Ord. of 10-25-2004)

Sec. 13.5-5. Rules of procedure.

To fulfill the purposes of this chapter and carry out the provisions contained therein:

- (a) The commission annually shall elect from its membership a chairman and vice-chairman. It shall select a secretary from its membership or its staff. If neither the chairman nor the vice-chairman attends a particular meeting, the remaining members shall select an acting chairman from the members in attendance at such meeting.
- (b) The commission shall develop and adopt rules of procedure, which shall govern the conduct of its business, subject to the approval of the city. Such rules of procedure shall be a matter of public record.
- (c) The commission shall develop design review guidelines for determining appropriateness as generally set forth in section 13.5-7 of this chapter. Such criteria shall insofar as possible be consistent with local, state, and federal guidelines and regulations, including, but not limited to, building safety and fire codes and the Secretary of the Interior's Standards for Rehabilitation.
- (d) The commission shall keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings, determinations, and decisions. All such material shall be a matter of public record.
- (e) The commission shall establish its own regular meeting time; however, the first meeting shall be held within 30 days of the establishment of the commission by the local government and regular meetings shall be scheduled at least once every three months. The chairman or any two members may call a special meeting to consider an urgent matter.

(Ord. of 10-25-2004)

Sec. 13.5-6. Designation of landmarks, landmark sites, and historic districts.

By ordinance, the city may establish landmarks, landmark sites, and historic districts within the area of its jurisdiction. Such landmarks, landmark sites, or historic districts shall be designated following the criteria as specified in section 13.5-2.

- (a) The commission shall initiate a continuing and thorough investigation of the archaeological, architectural, cultural, and historic significance of the city's resources. The findings shall be collected in a cohesive format, made a matter of public record, and made available for public inspection. The commission shall work toward providing complete documentation for locally designated historic districts which would include:
 - (1) An inventory of all property within the boundary of the district, with photographs of each building and an evaluation of its significance to the district. Building evaluations are to be used only as a reference or guide and shall not be used as the determining factor for issuing or denying a certificate of appropriateness.
 - (2) An inventory which would be in format consistent with the statewide inventory format of the Historic Preservation Division of the Mississippi Department of Archives and History (SHPO).
- (b) The commission shall advise the city on the designation of historic districts, landmarks, or landmark sites and submit or cause to be prepared ordinances to make such designation.

- (c) A resource or resources may be nominated for designation upon motion of three members of the commission or by an organization interested in historic preservation or by an owner of the property being nominated. A nomination shall contain information as specified by the commission. The commission must reach a decision on whether to recommend a proposed nomination to the city within six months in the case of a historic district and two months in the case of either a landmark or landmark site.
- (d) If the commission votes to recommend to the city the designation of a proposed resource, it promptly forwards to the city its recommendation, in writing, together with an accompanying file.
- (e) The commission's recommendations to the city for the designation of a historic district shall be accompanied by:
 - (1) A map of the historic district that clearly delineates the boundaries.
 - (2) A verbal boundary description and justification.
 - (3) A written statement of significance for the proposed historic district.
- (f) After the nomination of a resource to the city for possible local designation, the resource shall be fully protected by the provisions of this chapter for a period of two months, as if it were already designated.
- (g) Any property designated under a previous city ordinance shall remain designated.
- (h) No historic district or districts shall be designated until the Mississippi Department of Archives and History has been notified by certified letter by the city and invited to make recommendations concerning the proposed district boundaries. The Mississippi Department of Archives and History may comment by letter, telephone, e-mail or in person through designated staff. The city shall provide to the Mississippi Department of Archives and History the dates of the next two public meetings at which action on the designation of such a district might be taken so that the Mississippi Department of Archives and History may comment in a timely manner. Failure of the Mississippi Department of Archives and History to comment by the date of the second such meeting shall relieve the city of any responsibility for awaiting and responding to such analysis, and the city may at any time thereafter take any necessary action to create the proposed historic district.
- (i) If a proposed ordinance is to designate a landmark or landmark site, it may be presented to the city with a recommendation that it be adopted without submission to the Mississippi Department of Archives and History.
- (j) A public hearing will be had, after notice, specifying the boundaries of any proposed historic district and the location of proposed landmarks and landmark sites. Said notice shall be published once a week for a least three consecutive weeks in at least one newspaper published in the city. If a newspaper is not published in the city then the notice shall be published in a paper published in the county. The first publication of such resolution shall be made not less than 21 days prior to the date fixed in such resolution for the public hearing and the last publication shall be made not more than seven days prior to such date.
- (k) Within 60 calendar days after the public hearing held in connection herewith, the city shall adopt the ordinance as proposed, reject it entirely, or adopt the ordinance with modifications.
- (l) Furthermore, the commission shall notify, as soon as is reasonably possible, the appropriate state, county, and municipal agencies of the official designation of all landmarks, landmark sites, and historic districts. An updated list and map shall be maintained by such agencies and made available to the public.

(Ord. of 10-25-2004)

Sec. 13.5-7. Certificates of appropriateness.

No exterior feature of any resource shall be altered, relocated, or demolished until after an application for a certificate of appropriateness of such work has been approved by the commission. Likewise, no construction which affects a resource shall be undertaken without a certificate of appropriateness. Therefore,

- (a) The commission shall serve as a review body with the power to approve and deny applications for certificates of appropriateness.
- (b) In approving and denying applications for certificates of appropriateness, the commission shall seek to accomplish the purposes of this chapter.
- (c) A certification of appropriateness shall not be required for work deemed by the commission to be ordinary maintenance or repair of any resource.
- (d) All decisions of the commission shall be in writing and shall state the findings of the commission, its recommendations, and the reasons therefore.

(Ord. of 10-25-2004)

Sec. 13.5-8. Criteria for issuance of certificates of appropriateness.

The commission and the city shall use the following criteria in granting or denying certificates of appropriateness:

- (a) *General factors:*
 - (1) Architectural design of existing building, structure, or appurtenance and proposed alteration;
 - (2) Historical significance of the resource;
 - (3) General appearance of the resource;
 - (4) Condition of the resource;
 - (5) Materials composing the resource;
 - (6) Size of the resource;
 - (7) The relationship of the above factors to, and their effect upon the immediate surroundings and, if within a historic district, upon the district as a whole and its architectural and historical character and integrity.
- (b) *New construction:*
 - (1) In advance of new construction, steps shall be taken to insure evaluation of possible archaeological resources, as set forth in the Mississippi Antiquities Act.
 - (2) The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related, including but not limited to: the height, the gross volume, the proportions between width and height of the facade(s), the proportions and relationship between doors and windows, the rhythm of solids to voids created by openings in the facade, the materials, the textures, the colors, the patterns, the trims, and the design of the roof.
 - (3) Existing rhythm created by existing building masses and spaces between them shall be preserved.
 - (4) The landscape plan shall be compatible with the resource, and it shall be visually compatible with the environment with which it is visually related. Landscaping shall also not prove detrimental to the fabric of a resource, or adjacent public or private improvements like sidewalks and walls.
 - (5) No specific architectural style shall be required.
- (c) *Exterior alteration:*
 - (1) All exterior alterations to a building, structure, object, site, or landscape

feature shall be compatible with the resource itself and other resources with which it is related, as is provided in section 13.5-8(a) and (b), the original design of a building, structure, object, or landscape feature shall be considered in applying these standards.

- (2) Exterior alterations shall not affect the architectural character or historic quality of a landmark and shall not destroy the significance of landmark sites.
- (d) *Application. In considering an application for the demolition of a landmark or a resource within a historic district, the following shall be considered:*
 - (1) The commission shall consider the individual architectural, cultural, and/or historical significance of the resource.
 - (2) The commission shall consider the importance of contribution of the resource to the architectural character of the district.
 - (3) The commission shall consider the importance of contribution of the resource to neighboring property values.
 - (4) The commission shall consider the difficulty of impossibility of reproducing such a resource because of its texture, design, material, or detail.
 - (5) Following recommendation for approval of demolition, the applicant must seek approval of replacement plans, set forth in section 13.5-8(b), prior to receiving a demolition permit and other permits. Replacement plans for this purpose shall include, but shall not be restricted to, project concept, preliminary elevations and site plans, and completed working drawings for at least the foundation plan which will enable the applicant to receive a permit for foundation constructions.
 - (6) Applicants that have received a recommendation for demolition shall be permitted to receive such demolition permit without additional commission action on demolition, following the commission's recommendation of a permit for new construction. Permits for demolition and construction shall be issued simultaneously if requirements of section 13.5-8(b), are met, and the applicant provides financial proof of his ability to complete the project.
 - (7) When the commission recommends approval of demolition of a resource, a permit shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies.

(Ord. of 10-25-2004)

Sec. 13.5-9. Procedures for issuance of certificates of appropriateness.

Anyone desiring to take action requiring a certificate of appropriateness concerning a resource for which a permit, variance, or other authorization from either the city building official or the city is also required, shall make application therefore in the form and manner required by the applicable code section of ordinance. Any such application shall also be considered an application for a certificate of appropriateness and shall include such additional information as may be required by the commission. After receipt of any such application, the city building official shall be assured that the application is proper and complete. No building permit shall be issued by the city building official which affects a resource without a certificate of appropriateness. In the event that a building permit need not be obtained for a building, structure, or object to be erected within a historic district or on a landmark or landmark site, a certificate of appropriateness is still required before such building, structure, or object may be erected. Thereafter, such application shall be reviewed in accordance with the following procedure:

- (a) When any such application is filed, the city building official shall immediately notify

the commission chairman or vice-chairman, if the chairman is unavailable, of the application having been filed.

- (b) If at the time of filing of an application, there is not a commission meeting already scheduled within 30 days of this filing, the chairman or vice-chairman shall set a time and date, which shall be not later than 15 days after the filing of the application for a hearing by the commission, and the city building official shall be so informed.
- (c) The applicant shall, upon request, have the right to a preliminary conference with commission staff for the purpose of making any changes or adjustments to the application which might be more consistent with the commission's standards.
- (d) Not later than eight days before the date set for the said hearing, the city building official shall mail notice thereof to the applicant at the address in the application and to all members of the commission.
- (e) Notice of the time and place of said hearing shall be given by publication in a newspaper having general circulation in the community at least ten days before such hearing and/or by posting such notice on the bulletin board in the lobby of city hall.
- (f) At such hearing, the applicant for a certificate of appropriateness shall have the right to present any relevant evidence in support of the application. Likewise, the governing body shall have the right to present any additional relevant evidence in support of the application.
- (g) The commission shall have the right to recommend changes and modifications to enable the applicant to meet the requirements of the commission.
- (h) Within not more than 21 days after the hearing on an application, the commission shall act upon it, either approving, denying, or deferring action until the next meeting of the commission, giving consideration to the factors set forth in section 13.5-8 hereof. Evidence of approval of the application shall be by certificate of appropriateness issued by the commission and, whatever its decision, notice in writing shall be given to the applicant and the city building official. Whenever a local historic preservation commission shall deny or recommend denial of a certificate of appropriateness, the commission must state the reasons for such denial in writing. Thereafter, an applicant may resubmit a new application at any time, except that an applicant must wait six months whenever an application for a certificate of appropriateness is denied for a landmark property of statewide or national significance and notice of any second or subsequent application must be sent to the Mississippi Department of Archives and History as well as to the local historic preservation commission.
- (i) In all cases of applications affecting national historic landmarks, at least two-thirds of the members of the commission must approve a certificate of appropriateness in order for it to be granted.
- (j) The issuance of a certificate of appropriateness shall not relieve an applicant for a building permit, special use permit, variance, or other authorization from compliance with any other requirement or provision of the laws of the city concerning zoning, construction, repair, or demolition.
- (k) Denial of a certificate of appropriateness shall be binding upon the city building inspector or the agency responsible for issuing building permits and shall prevent the issuance of other building permits for the same parcel until a certificate of appropriateness is approved. A certificate of appropriateness may be required for work which does not require a building permit. A certificate of appropriateness may be evidenced by either a written and dated letter to an owner of applicant or such

a letter accompanied by a signed and dated stamp on the face of any and all architectural or project drawings prepared for a project.

(l) A certificate of appropriateness shall expire after six months if work has not begun.
(Ord. of 10-25-2004)

Sec. 13.5-10. Unreasonable economic hardship.

When a claim of unreasonable economic hardship is made due to the effect of this chapter, the owner of record must present evidence sufficient to prove that as a result of the preservation commission's action he is unable to obtain a reasonable return or a reasonable beneficial use. The owner of record shall submit by affidavit to the commission for its review at least the following information:

- (a) Date the property was acquired by its current owner;
- (b) Price paid for the property (if acquired by purchase) and the relationship (if any) between the buyer and the seller of the property;
- (c) Mortgage history of the property, including current mortgage;
- (d) Current market value of the property;
- (e) Equity in current use and in alternative uses;
- (f) Past and current income and expense statements for a two-year period;
- (g) Past capital expenditures during ownership of current owner;
- (h) Appraisals of the property obtained within the previous two years; and
- (i) Income and property tax factors affecting the property.

The preservation commission may require that an applicant furnish additional information relevant to its determination of unreasonable economic hardship.

The preservation commission may receive and consider studies and economic analyses from other city agencies and from private organizations relating to the property in questions.

Should the commission determine that the owner's present return is not reasonable, it must consider whether there are other uses currently allowed that would provide a reasonable return and whether such a return could be obtained through investment in the property for rehabilitation purposes.

Should the applicant satisfy the commission that he will suffer an unreasonable economic hardship if a certificate of appropriateness is not approved, such certificate must be approved.

(Ord. of 10-25-2004)

Sec. 13.5-11. Appeals.

The applicant who desires to appeal a decision by the commission shall file an appeal to the Board of Mayor and Aldermen for the City of Yazoo City within 30 days after the determination of the issue by the commission. All appeals from a decision of the board of mayor and aldermen shall be to the circuit court in the manner provided by law.

(Ord. of 10-25-2004)

Sec. 13.5-12. Minimum maintenance requirements.

In order to insure the protective maintenance of resources, the exterior features of such properties shall be maintained to meet the requirements of the city's minimum housing code and the city's building code.

(Ord. of 10-25-2004)

Sec. 13.5-13. Demolition by neglect.

(a) Any resource which is a landmark and all resources within a historic district shall be preserved by the owner or such other person or persons as may have the legal custody or control thereof against decay and deterioration and free from unreasonable structural defects. The owner or other person having legal custody and control thereof shall repair such resource if it is found to have one or more of the following defects:

- (1) Deterioration to the extent that it creates or permits a hazardous or unsafe

condition as determined by the city's building inspector.

- (2) Deterioration, as determined by the building inspector, of a building characterized by one or more of the following:
 - a. Those buildings which have parts thereof which are so attached that they may fall and injure persons or property;
 - b. Deteriorated or inadequate foundations;
 - c. Defective or deteriorated floor supports or floor supports inefficient to carry imposed loads with safety;
 - d. Members of walls or other vertical supports that split, lean, list, or buckle due to defective material, workmanship, or deterioration.
 - e. Members of walls or other vertical supports that are insufficient to carry imposed loads with safety;
 - f. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material workmanship, or deterioration.
 - g. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are insufficient to carry imposed loads with safety;
 - h. Fireplaces or chimneys which list, bulge, or settle due to defective material, workmanship, or deterioration; or
 - i. Any fault, defect, or condition in the building which renders the same structurally unsafe or not properly watertight.
- (b) If the commission makes a preliminary determination that a resource is being demolished by neglect, it shall direct the city building official to notify the owner or owners of the resource of this preliminary determination, stating the reasons therefore, and shall give the owner of record 30 days from the date of mailing of such notice or the posting thereof on the property, whichever comes later, to commence work to correct the specific defects as determined by the commission.

Said notice shall be given as follows:

 - (1) By certified mail, restricted delivery, mailed to the last known address of the record owner or owners as listed on the city and/or county tax rolls; or
 - (2) If the above mailing procedure is not successful, notice shall be posted in a conspicuous, protected place on the resource.
- (c) If the owner or owners fail to commence work within the time allotted as evidenced by a building permit, the commission shall notify the owner or owners in the manner provided above to appear at a public hearing before the commission at a date, time and place to be specified in said notice, which shall be mailed or posted at least 30 days before said hearing. For the purpose of insuring lawful notice, a hearing may be continued to a new date and time. The commission shall receive evidence on the issue of whether the subject resource should be repaired and the owner or owners may present evidence in rebuttal thereto. If, after such hearing, the commission shall determine that the resource is being demolished by neglect, it may direct the city building official to bring misdemeanor charges against the owner or owners if the necessary repairs are not completed within 90 days of the determination by the commission that the subject building or structure is being demolished by neglect.
- (d) The city, in addition to the powers specified in MCA 1972, § 21-19-11(1), as amended, if the Historic Preservation Division of the Department of Archives and History concurs, may make repairs necessary to correct demolition by neglect, and the cost of such repairs shall become a lien against the property in accordance with the Mississippi State Code of 1972 as amended.

(Ord. of 10-25-2004)

Sec. 13.5-14. Public safety exclusion.

None of the provisions of this chapter shall be construed to prevent any action of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any resource, or part thereof, where such condition has been declared unsafe or dangerous by the city building official or the fire department and where the proposed actions have been declared necessary by such authorities to correct the said condition; provided, however, that only such work as is necessary to correct the unsafe or dangerous condition may be performed pursuant to this section. In the event any resource designated as a landmark or located within a historic district, shall be damaged by fire or other calamity to such an extent that it cannot be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws, provided that:

- (a) The city building official concurs with the property owner that the resource cannot be repaired and restored and so notifies the commission in writing.
- (b) The preservation commission, if in doubt after receiving such notification from the city building official, shall be allowed time to seek outside professional expertise from the state historic preservation office and/or an independent structural engineer before issuing a certificate of appropriateness for the demolition. The commission may indicate in writing by letter to the city building official that it will require a time period of up to 30 days for this purpose, and, upon such notification to the city building official, this section shall be suspended until the expiration of such a delay period.

(Ord. of 10-25-2004)

Sec. 13.5-15. Enforcement and penalties.

The following civil and criminal penalties may be imposed upon those persons, firms, or corporations found to have violated requirements or prohibitions contained within this chapter.

- (a) *Civil penalty:*
 - (1) Any person who constructs, alters, relocates, or demolishes any resource in violation of this chapter shall be required to restore the resource to its appearance or setting prior to the violation. Any action to enforce this provision shall be brought by the City of Yazoo City. This civil remedy shall be in addition to, and not in lieu of, any criminal prosecution and penalty.
 - (2) If construction alteration, or relocation of any resource occurs without a certificate of appropriateness, then the license of the company, individual, principal owner, or its or his successor in interest performing such construction, alteration, or relocation shall be revoked for a period of three years.
 - (3) If demolition of a resource occurs without a certificate of appropriateness, then any permits on subject property will be denied for a period of three years. No permit will be issued for any structure or structures proposed for the same parcel which would require a footprint larger than the footprint of the demolished structure of structures. In addition, the owner must rebuild on the site using as much of the original building material as possible, and in general following the same form. In addition, unauthorized demolition of a portion of a structure shall not serve as justification for a demolition permit whenever it can be shown that restoration or rehabilitation would still be feasible. In addition, the applicant shall not be entitled to have issued to him by any city office a permit allowing any curb cuts on subject property for a period of three years from and after the date of such demolition.

- (4) If a historic landmark or landmark site of statewide or national significance is demolished without review and approval by a local historic preservation commission, no permit for any construction on the parcel from which the landmark or landmark site has been removed may be issued for a period of up to 24 months.
- (5) If demolition of a resource occurs without a certificate of appropriateness, then the license of the company, individual, principal owner, or its or his successor in interest performing such demolition shall be revoked for a period of five years.
- (b) *Criminal penalty: Any persons, firm or corporation violating any provision of this chapter shall be guilty of a misdemeanor, and each shall be deemed guilty of a separate violation for each day during which any violation hereof is committed. Upon conviction, each violation shall be fined not less than \$10.00 nor more than \$500.00. Each day that a violation continues to exist shall constitute a separate offense.*

(Ord. of 10-25-2004)

Sec. 13.5-16. Appropriations.

The city is authorized to make appropriations to the commission necessary for the expenses of the operation of the commission and may make additional amounts available as necessary for the acquisition, restoration, preservation, operation, and management of historic properties.

(Ord. of 10-25-2004)

Sec. 13.5-17. Title to property acquired.

All property acquired by funds appropriated by the city shall be acquired in the name of the city unless otherwise provided by the city. So long as owned by the city, properties may be maintained by or under the supervision and control of the city. However, all property acquired by the commission from funds other than those appropriated by the city may be acquired and held in the name of the commission, the city, or both. Whenever the commission shall hold title to properties in its own name, such properties shall be administered in accordance with this and other city ordinances.

(Ord. of 10-25-2004)

Sec. 13.5-18. Nonrestrictive clause.

Nothing in this chapter shall be construed to prevent the regulation or acquisition of property, improved or unimproved, by the State of Mississippi or any of its political subdivisions, agencies, or instrumentalities or by the United States of America or any of its political subdivisions, agencies, or instrumentalities.

Furthermore, the City of Yazoo City hereby acknowledges that the Mississippi State Antiquities Law (MCA 1972, § 39-7-1 et seq.), provides for the sensitive treatment of publicly owned property, improved or unimproved, shown to possess certain architectural, historical, or archaeological significance, which are designed by the Board of Trustees of the Mississippi Department of Archives and History as Mississippi Landmarks. Whenever the city proposes to rehabilitate, alter, or enlarge a Mississippi landmark (or proposes similar actions which would affect a Mississippi landmark), the city shall submit its plans to the Mississippi Department of Archives and History for review and compliance.

(Ord. of 10-25-2004)

Sec. 13.5-19. Disqualification of members by conflict of interests.

Because the city may possess few residents with experience in the individual fields of history, architecture, architectural history, archaeology, urban planning, law, or real estate, and

in order not to impair such residents from practicing their trade for hire, members of the commission are allowed to contract their services to an applicant for a certificate of appropriateness, and, when doing so, must expressly disqualify themselves from the commission during all discussions for that application. In such cases, the city shall, upon the request of the chairman of the commission or the vice-chairman in his stead, appoint a substitute member who is qualified in the same field as the disqualified member, and who will serve for that particular case only. If no qualified resident of the city is able to substitute for the disqualified member, the city may appoint, in this case only, a qualified substitute who is a resident of Mississippi but not a resident of the City of Yazoo City. If any member of the commission must be disqualified due to a conflict of interest on a regular and continuing basis, the chairman or the vice-chairman, in his stead, shall encourage the member to resign his commission seat. Failing this resignation, and, if the commission member continues to enter into conflict of interest situations with the commission, the chairman or vice-chairman of the commission shall encourage the city to replace the member. Likewise, any member of the commission who has an interest in the property in question or in property within three hundred feet of such a property, or who is employed with a firm that has been hired to aid the applicant in any matter to be considered by the commission shall be disqualified from participating in the consideration of any request for a certificate of appropriateness involving such a property. In such cases, a qualified substitute shall be appointed as provided above.

(Ord. of 10-25-2004)

Sec. 13.5-20. Severability.

The requirements and provisions of this chapter are separable. If any article, section, paragraph, sentence, or portion thereof, be declared by any court of competent jurisdiction to be void, invalid, or inoperative, the decision of the court shall not affect the validity or applicability of the chapter as a whole or of any part thereof other than the part held void, invalid, or otherwise inoperative.

(Ord. of 10-25-2004)

Sec. 13.5-21. Conflicting ordinances.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

(Ord. of 10-25-2004)

Sec. 13.5-22. Conflict with the Mississippi Antiquities Act.

Likewise, all ordinances and part of ordinances in conflict with the Mississippi Antiquities Act (MCA 1972, § 39-7-1 et seq.) are hereby repealed.

(Ord. of 10-25-2004)

Chapter 14 LICENSES AND BUSINESS REGULATIONS*

***Cross references: Sale of alcoholic beverages and beer regulations, Ch. 4; health certificate required before obtaining license to operate food handling establishment, § 12-2; purchase of junk from minors, § 15-6; taxation generally, Ch. 20; license to install or repair plumbing, electrical wiring, gas fitting, etc., § 22-24.**

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Article II. Slot Amusement Machines

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[Sec. 14-63. Attaching posters to trees or poles.](#)

ARTICLE I. IN GENERAL

Sec. 14-1. Local privilege tax code--Incorporated.

There shall be and there is hereby incorporated herein as the privilege tax code of the city that certain act cited as the "Local Privilege Tax Law" being Title 27, Chapter 17, Mississippi Code 1972.

(Code 1962, § 14-1)

State law references: The local privilege tax code mandatory, Miss. Code 1972, § 27-17-5.

Sec. 14-2. Same--Rate.

There shall be and there is hereby levied and imposed, and there shall be collected, upon the several businesses, occupations and callings enumerated in the aforesaid the Local Privilege Tax Law, the maximum amounts of privilege taxes scheduled in said act for each such business, occupation and calling, respectively, which this municipality is now or may hereafter be authorized and empowered to levy.

(Code 1962, §§ 14-2, 14-3, 14-4)

Sec. 14-3. Same--Penalties, enforcement procedures adopted.

The privilege taxes on the several businesses, occupations and callings enumerated in the aforesaid act shall be collected and paid as required by said act to be collected and paid, and all the provisions of said act with reference to penalties and the enforcement thereof shall be applicable for the nonpayment of said privilege taxes.

(Code 1962, §§ 14-5, 14-8)

Sec. 14-4. City clerk to collect privilege taxes.

All privilege taxes due to the city shall be payable to and collected by the city clerk, who shall perform all the duties performed by a tax collector in regard to the collection of privilege taxes.

(Code 1962, § 14-9)

Sec. 14-5. Privilege tax licenses.

All privilege licenses issued by the city clerk unto business, occupations and callings pursuant to their payment of the applicable local privilege taxes shall expire one year from the date of issuance thereof,

(Ord. of 6-27-88, § 1)

Secs. 14-6--14-19. Reserved.

ARTICLE II. SLOT AMUSEMENT MACHINES*

*State law references: Authority to regulate, Miss. Code 1972, §§ 21-19-33, 27-27-5.

Sec. 14-20. Definitions.

As used in this article, the terms "slot amusement machine" or "machine" means any mechanical device or contrivance which is operated, played, worked, manipulated, or used by inserting or depositing any coin, slug, token, or thing of value, in which may be seen any picture or heard any music, or wherein any game may be played, or any form of diversion had.

(Ord. of 7-13-70, § 2)

Sec. 14-21. Administration and enforcement.

All of the general provisions of Title 27, Chapter 27, Mississippi Code 1972, (Section 9696-01 et seq., insofar as it applies) shall apply to and are hereby adopted as the means by which the provisions of this article may be enforced and the taxes and penalties imposed may be collected.

(Ord. of 7-13-70, § 8)

Sec. 14-22. Tax levied.

There is hereby levied and imposed one-half of the hereinafter described tax as authorized by section 27-27-5, Mississippi Code 1972, upon each person engaging in the business of owning or placing on location for the purpose of operation any slot amusement machine, annual license taxes according to the following schedule:

- (1) For each machine wherein may be seen any picture or heard any music, a license tax for each such machine the sum of \$18.00.
- (2) For each machine (not elsewhere specifically taxed in this section) wherein or whereby any game may be played or any form of diversion had, a license tax for each such machine the sum of \$30.00.
- (3) For each machine (not elsewhere specifically taxed in this section) wherein or by means of which children may obtain a ride upon a "hobby horse" or the figure of any animal, or upon the figure of a boat, airplane, rocket, or other such machine, a license tax for each such machine of \$12.00.

The measure of the tax shall be the amount of money required to operate or play any machine one time.

(Ord. of 7-13-70, § 3)

Sec. 14-23. Tax in addition to other taxes.

The license tax levied by this article shall be in addition to all other taxes levied by law.

(Ord. of 7-13-70, § 7)

Sec. 14-24. License.

- (a) Every person engaged in the business of owning or placing on location for the purpose of operation any slot amusement machine shall first before commencing the same apply for, pay for, and procure from the city tax collector a privilege license authorizing him to engage in the business or exercise the privilege specified therein.
- (b) The tax levied shall be due and payable annually on January 1, and all licenses issued under the provisions of this article shall expire annually on December 31. A license may be renewed without penalty during the month of January. The amount of the license tax to be paid for a period of less than 12 months shall be that proportionate amount of the annual license tax that the number of months, or fractional part thereof, remaining until January 1 next bears to 12 months.
- (c) The license shall entitle the owner or the person placing the machine on location for the purpose of operation to operate a machine of the type specified until December 31 next. If a machine for which a license has been issued should be destroyed or traded, the privilege of operation for the remaining time covered by the license may be transferred to another machine of the same type by procedure to be specified by the tax collector. Where a slot is changed to require additional coins or money to operate a machine, an additional license shall be obtained and a tax paid at the rate hereinabove set out to be prorated for the months remaining on the original license, and the licensee shall be allowed credit for the tax paid for the months remaining on the original license.
- (d) When ownership of a machine upon which a valid license is attached is transferred to another person, no additional tax shall be required.
- (e) No refund shall be allowed for failure or inability to exercise the privilege granted after the license has been issued.

(Ord. of 7-13-70, § 4)

Sec. 14-25. Records to be kept.

It shall be the duty of every person taxable under this article to keep and preserve for a period of three years adequate records showing the location on which each machine is placed for the purpose of operation, type of machine and the size coin required to operate the machine one time.

(Ord. of 7-13-70, § 9)

Sec. 14-26. Exemptions.

This article shall not apply to any machine operated for gambling purposes, to any machine kept at a regular place of business of distributors or manufacturers for sale or lease without being operated, or to any pool table operating in a place of business commonly known as a pool hall or billiard parlor when the gross income from the operation of such pool table is taxable under the state sales tax law.

(Ord. of 7-13-70, § 6)

Sec. 14-27. Penalties.

- (a) Any person engaged in the business of owning or placing on location for the purpose of operation, any slot amusement machine without the payment of the tax imposed herein, shall be liable for the amount of the tax and 50 percent of the amount of the tax as penalty.
- (b) Any person who has paid the tax for the operation of a machine, but who has failed to affix the license to the machine shall also be liable for 50 percent of the amount of the tax as penalty.
- (c) It shall be unlawful for any person to place on location any machine without paying the tax herein levied.

(Ord. of 7-13-70, § 5)

Secs. 14-28, 14-29. Reserved.

ARTICLE III. PEDDLERS, SOLICITORS, TRANSIENT VENDORS*

***Cross references: Creation of noise by peddlers, § 13-12(11).**

State law references: Municipal authority to regulate transient vendors, Miss. Code 1972, § 21-19-35; privilege tax on transient vendors, § 27-15-57.

Sec. 14-30. Entry into private premises.

It shall be unlawful for any transient solicitor, peddler, hawker, itinerant merchant, transient vendor of merchandise or itinerant photographer, not having been requested or invited so to do by the owner or occupant of the premises of any private residence within the city, to go in or upon the premises of such private residence for the purpose of soliciting orders for the sale of photographic coupons, photographs or for the taking of the same, or for the sale of goods, wares and merchandise, or for the purpose of disposing of, selling, peddling or hawking photographs, photographic coupons or any goods, wares and merchandise; provided however, that this section shall have no application to farm or garden products.

(Code 1962, § 15-55)

Sec. 14-31. Stands prohibited.

It shall be unlawful to have or maintain any vendor's stand on the streets, sidewalks or other public ways of the city, or to have or use on the same any truck, motor vehicle, wagon or other conveyance, as a vendor's stand; provided, however, nothing herein shall prevent any person from lawfully selling from store to store, or from house to house.

(Code 1962, § 15-56)

Sec. 14-32. Taking pictures on streets.

It shall be unlawful for any person to engage in the business of taking pictures of persons on the streets, sidewalks or other public ways of the city, or to solicit such business on the streets, sidewalks or other public ways of the city.

(Code 1962, § 15-54)

Sec. 14-33. Permit to solicit money, gifts or aid.

It shall be unlawful for any person to solicit within the city any money, gifts or aid for himself or another for any purpose, without first obtaining and having in his possession a written permit from the local secretary of the Red Cross, so to do.

(Code 1962, § 15-51)

Secs. 14-34--14-39. Reserved.

ARTICLE IV. POOL AND BILLIARD ROOMS*

***Charter references: Authority to regulate, §§ 14(7), 15(4).**

Cross references: Exemption from amusement devices tax, § 14-26.

State law references: Municipal authority to regulate pool and billiard rooms, Miss. Code 1972, § 21-19-33.

Sec. 14-40. Definition.

The term "public pool" or "billiard room" when used in this article shall include any room, hall or place where one or more billiard or pool tables, or both, are kept or operated for profit.

(Code 1962, § 15-106)

Sec. 14-41. Permit--Required; display.

- (a) It shall be unlawful to keep or operate for profit within the city any public pool or billiard room without first obtaining a permit therefor as herein provided, and without complying with all of the provisions of this article.
- (b) A permit to operate a public pool or billiard room, if granted or issued, shall be suitably framed by the owner and shall be posted and at all times displayed in a conspicuous place in said public pool or billiard room.

(Code 1962, §§ 15-107, 15-112)

Sec. 14-42. Same--Application; fee; payment of privilege tax.

- (a) *Form: Application for a permit to operate a public pool or billiard room within the city shall be made in writing to the governing body and filed with the city clerk, and shall contain information which will enable the governing body to intelligently pass upon the same, and shall be in the form required by statute.*
- (b) *Fee; payment of privilege tax: Each application for a permit to operate a public pool or billiard room in the city shall be accompanied by payment of the annual privilege tax required by law to be paid on the business of operating a public pool or billiard room, and by payment of a fee of \$1.00 for the issuance of the permit, if granted. If the application of any person for a permit to operate a public pool or billiard room in the city is refused by the governing body, the city clerk shall forthwith return to the applicant the amount of privilege taxes and fee accompanying such application.*

(Code 1962, §§ 15-108, 15-109, 15-117)

State law references: Form of application for privilege license, Miss. Code 1972, § 27-17-61; privilege tax, § 27-17-59.

Sec. 14-43. Same--Issuance or denial; term; renewal; duplicate fee.

- (a) *Grounds for denial: No permit shall be issued for the operation of a public pool or billiard room in the city if any person interested directly or indirectly in the ownership thereof is under the age of 21 years, or has ever been convicted of a felony, or of any violation of the illicit liquor laws or any violation of the laws prohibiting gaming, or is an habitual user of intoxicating liquors or narcotic drugs, a common gambler or an immoral person.*
- (b) *Issuance: A permit for the operation of a public pool or billiard room in the city, if granted by the governing body, shall, on order entered on its minutes, be issued by the city clerk and over his signature.*
- (c) *Term; renewal: A permit when granted shall be issued for the period of one year from the date of the granting thereof by the governing body, and upon expiration of the term thereof application for a new permit shall be made in the same manner as hereinbefore provided and the same shall be granted and issued in the same manner and upon the same terms and conditions as hereinbefore provided.*
- (d) *Duplicate: If a permit to operate a public pool or billiard room, when granted and issued, be lost before the expiration of the term thereof, the owners may obtain a new permit for the unexpired period of the term upon application to the city clerk and payment of a fee of \$1.00 for the issuance thereof.*

(Code 1962, §§ 15-110, 15-111, 15-113, 15-116)

Sec. 14-44. Same--For one place of business; change of location, application, fee.

- (a) It shall be unlawful for the owners of any public pool or billiard room to operate the same in any place other than that designated in the permit issued therefor.
- (b) If the owners of any public pool or billiard room to whom a permit has been issued should

desire before the expiration of the term of such permit to change the location of such public pool or billiard room, then on surrender of the original permit, on application to the city clerk and payment of a fee of \$1.00, a new permit for the unexpired period of the original permit may be issued by the clerk, provided all provisions of this article with respect to such new location are complied with.

(Code 1962, §§ 15-114, 15-115)

Sec. 14-45. Same--Revocation.

- (a) *Grounds: If any person to whom a permit has been issued to operate a public pool or billiard room in said city shall be convicted of any violation of any of the provisions of this article, or of any felony, or of any violation of the illicit liquor laws, or of any violation of the laws prohibiting gaming, the governing body may revoke the permit of such person.*
- (b) *Effect of second violation: If any person is convicted of a second offense for a violation of any of the provisions of this article, then such conviction shall operate automatically to revoke the permit of such person to operate a public pool or billiard room in the city.*
- (c) *Cause, notice, hearing: The governing body may at any time, for cause, on reasonable notice to the owners of a public pool or billiard room in the city, and after a hearing, revoke the permit of such owners.*
- (d) *Time period for new application: If the permit of any person to operate a public pool or billiard room in the city is revoked, no further permit shall be issued to such person for a period of two years thereafter and only then upon full compliance with and qualification under the provisions of this article.*
- (e) *Effect of false information: If after a permit has been issued hereunder it should appear that there was a material false statement or representation in the application therefor, the governing body may revoke such permit.*

(Code 1962, §§ 15-124--15-128)

Sec. 14-46. Gambling; liquor sales; frequenting by minors; disorderly conduct.

It shall be unlawful for the owners of any public pool or billiard room in the city to permit or allow therein any minor under the age of 18 years, except those over 15 years having written permission of their parents or guardian and those under 16 years accompanied by their parents or guardian; or to permit any intoxicating liquor or beverage to be had, possessed, sold, given away or drunk therein; or to permit therein any wagering, betting, gambling, gaming machine, apparatus or game of chance, or to permit or allow therein any disorderly, unseemly or immoral conduct.

(Code 1962, § 15-118)

State law references: Similar provision as to minors, Miss. Code 1972, § 97-5-11.

Sec. 14-47. Owner responsible for conduct of employees.

The acts and conduct of the agents and employees of any owner of any public pool or billiard room operated in the city shall be deemed the acts and conduct of such owner.

(Code 1962, § 15-119)

Sec. 14-48. Employment of certain persons prohibited.

It shall be unlawful for the owner of any public pool or billiard room in the city to knowingly employ or retain in such employment any person who has been convicted of a felony, of any violation of the illicit liquor laws or of any violation of the laws prohibiting gaming, or who is an habitual user of intoxicating liquors or narcotic drugs, a common gambler or an immoral person.

(Code 1962, § 15-120)

Sec. 14-49. Location, layout of room.

It shall be unlawful for any person to operate a public pool or billiard room in the city unless

the same is located on the first or ground floor of the building, and unless the room or place is so constructed or arranged that there are no compartments or partitions therein, that the front thereof shall be such as to render plainly observable and visible from the street the entire place from front to rear in which said public pool or billiard room is conducted; provided, however, small compartments for toilets and hand washing facilities may be installed therein, the dimensions thereof to be first submitted to and approved by the governing body.

(Code 1962, § 15-121)

Sec. 14-50. Hours of operation.

It shall be unlawful to operate any public pool or billiard room in the city between the hours of 12:00 midnight and 7:00 a.m.

(Code 1962, § 15-122)

Sec. 14-51. Certain acts no defense to prosecution for violation.

In prosecutions under this article it shall be no defense that the alleged violation occurred in the place of business during prohibited hours, and while such place was being conducted as a private club, if at any other time such place is conducted as a public pool or billiard room.

(Code 1962, § 15-123)

Sec. 14-52. Violation to subject offender to all penalties of article.

If any person to whom a permit has been issued to operate a public pool or billiard room in the city shall violate any of the provisions of this article, in addition to revocation of permit, such person shall be subject further to all of the other penalties prescribed for violation of this article or Code.

(Code 1962, § 15-130)

Sec. 14-53. Enforcement of penalties.

Enforcement of any penalty or remedy under this article shall not be construed to prevent enforcement of any other penalty or remedy, but each penalty or remedy shall be in addition to and independent of every other penalty or remedy.

(Code 1962, § 15-129)

Secs. 14-54--14-59. Reserved.

ARTICLE V. ADVERTISING

Sec. 14-60. Handbills, etc., distribution.

No printed, written, pictured or otherwise published handbills, circulars, advertising matter, card, posters, newspapers, magazines, booklets or tracts shall be distributed, circulated, posted, displayed, or otherwise published upon the streets, alleys, sidewalks or public land and area within the city and anyone who does so shall be guilty of a misdemeanor and punished as provided in section 1-8.

(Ord. of 10-28-63, § 1; Ord. of 11-4-63, § 1; Ord. of 5-10-99)

Secs. 14-61, 14-62. Reserved.

Editor's note: Formerly, §§ 14-61, 14-62 pertained to application and permitting for handbill distribution, derived from ordinances adopted Oct. 28, 1963, §§ 1, 2; and Nov. 4, 1963, §§ 1, 2. Such sections were deleted by an ordinance adopted May 10, 1999.

Sec. 14-63. Attaching posters to trees or poles.

It shall be unlawful for any person to attach, fasten or otherwise affix or display any signboard, poster, circular or other similar article upon any utility pole, utility pole support, street sign, plant or any other living or artificial structure upon the streets, alleys, sidewalks, utility rights-of-way or public lands and areas within the city, and anyone who does so shall be guilty of a misdemeanor and punished as provided in section 1-8.

(Code 1962, § 15-44; Ord. of 10-28-63, § 1; Ord. of 5-10-99)

Chapter 15 OFFENSES AND MISCELLANEOUS PROVISIONS*

***Cross references: Offenses regarding elections, §§ 9-15, 9-16; leaving invalid or child in building, § 11-5; smoking in bed, § 11-6; fireworks, § 11-7 et seq.; removal of refrigerator locks, § 13-28; entry by peddlers without consent, § 14-30.**

State law references: Municipal authority to prohibit acts which would constitute a misdemeanor under state law, Miss. Code 1972, § 21-13-19; limitation on penalty which may be imposed by municipality, § 21-13-1.

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- [Sec. 15-3. Abuse of officers or employees of city.](#)
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- [Sec. 15-80. Use of on school property and at school sponsored activities.](#)
- [Sec. 15-81. Misrepresentation of age.](#)
- [Sec. 15-82. Purchase.](#)
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- [Sec. 15-84. Alternative to punishment by community service.](#)
- [Sec. 15-85. Violation of article by persons age 18 or older.](#)

ARTICLE I. IN GENERAL

Sec. 15-1. Closing and securing of unoccupied structures.

All owners of property in the city, on which is located any dwelling house, building, or structure which is unoccupied, or any agent of such owner, or any other person having such property in charge or under supervision, shall be required to lock, board up or otherwise secure said structure as may be reasonably required by the chief of police so that it may not be easily entered by an unauthorized person or used without the permission and consent of such owner, agent, or person in charge of same.

(Ord. of 6-24-68, § 1)

Sec. 15-2. Bicycle registration; required, record, tag or decal.

- (a) All owners of bicycles within the city, and all such persons in the county regularly and customarily using bicycles on the public streets, alleys and public ways of the city, required to register such vehicles with the police department of this city, furnishing to said police department the name and address of the owner, a description of the vehicle, including name, color, manufacturer, serial or identification number thereon; approximate date of purchase; and dealer or person from whom purchased, all of which information the police department shall enter in a record book kept for such purpose, and shall provide to such owner a number to identify such registration, and a tag or decal, such number to be affixed to and displayed on such vehicle in a place where it shall be readily visible.
- (b) Each separate bicycle shall have a separate registration and a separate number and tag and decal which shall be displayed thereon with said decal being attached to the frame of said bicycle and said tag being attached to the rear seat thereon, facing to the rear of said bicycle and no bicycle shall display any tag or decal or license or registration not issued for said bicycle. Any bicycle not duly registered with said city shall be subject to seizure by the city police department pending verification of the true ownership thereof.

Each registration shall be valid for a period of five years from the date of registration or until a transfer of said bicycle, whichever shall come first.

- (c) A fee of \$5.00 shall be assessed for the registration of each bicycle and all funds collected thereon shall be placed in the general fund of the city.
- (d) Enforcement of this section shall be by the police department.
- (e) Uniform fines for failure to register bicycles. Any person who shall fail to register a bicycle kept, maintained, stored or placed within the corporate limits of the city on October 15, 2003, or within 14 calendar days after acquisition thereof following October 15, 2003, shall be in violation of this section and subject to a uniform fine of \$10.00 for such violation. In the event such person keeping, maintaining, storing or placing said bicycle shall be under the age of 18 years, the parents, grandparents, guardian or other persons with whom said minor shall reside and/or with whom said bicycle shall be kept, maintained, stored or placed shall be in violation of this section and subject to such uniform fine.

(Ord. of 8-27-73, §§ 1--3; Ord. of 6-22-87, § 1; Ord. of 10-26-87, § 1; Ord. of 8-11-2003)

Sec. 15-3. Abuse of officers or employees of city.

It shall be unlawful for any person to curse, insult, deride, ridicule, or use abusive language towards a number of the police department, auxiliary police force, fire department, or any other officer or employee of the city while said member or other officer or employee is properly performing his official duties.

(Ord. of 6-25-63, § 1)

Sec. 15-4. Loitering, lounging, cursing, etc., in parks or on streets.

It shall be unlawful for any person to loiter, sleep or protactedly lounge or engage in loud, threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to a breach of the public peace in any park and on the paved or passageway portions of any of the streets of the city and on those portions of the streets of the city known as

neutral ground or areas between the paved or passageway portion of streets and adjacent property lines.

(Ord. of 10-25-71, § 1)

Cross references: Entering Glenwood Cemetery at night, § 7-8.

State law references: Disorderly conduct, Miss. Code 1972, § 97-35-3 et seq.

Sec. 15-4.1. Entry upon grounds operated by recreation commission.

- (a) It shall be illegal for any person or persons to enter upon any ground leased to, operated by, or maintained by the city recreation commission for recreational or entertainment purposes:
 - (1) Between the hours of 11:00 p.m. and 6:00 a.m., with the exception of Brame Park; or
 - (2) To operate, ride, or allow to be operated or ridden any type of vehicle, motorized or nonmotorized, on any portion thereof designated as prohibited areas for such vehicle.
 - (b) The police department and the street department of the city and the city recreation commission be and the same are hereby authorized, empowered and directed to clearly and adequately mark all entrances to recreational facilities, with the exception of Brame Park, with signs that read "ILLEGAL TO ENTER UPON THESE GROUNDS BETWEEN THE HOURS OF 11:00 P.M. AND 6:00 A.M." and "VEHICLES PROHIBITED IN THIS AREA" or like notices.
 - (c) It shall be illegal for any person or persons to enter into or upon any part or portion of Brame Park after sundown or to be on or in such park before sunrise. The police department and the street department and the city recreation commission are hereby authorized, empowered and directed to clearly and adequately mark all entrances to such park with signs that read "ILLEGAL TO ENTER UPON THESE GROUNDS BETWEEN SUNSET AND SUNRISE" or like notices.
 - (d) Violation of this section shall be a misdemeanor subject to penalty as provided by law.
- (Ord. of 6-28-82, §§ 1--3; Ord. of 9-25-95)

Editor's note: Section 15-4.1 is derived from Ord. of June 28, 1982, §§ 1--3, which ordinance did not expressly amend this Code.

Cross references: Parks and recreation department, § 16-70 et seq.

Sec. 15-5. Obstructing pedestrian passage on sidewalks.

It shall be unlawful for two or more persons to assemble on any sidewalk of the city so as to obstruct the free use thereof by pedestrians, and to refuse to disperse or move on when directed so to do by any police officer of the city.

(Code 1962, § 18-1)

Cross references: Storing property on streets, § 18-5.

Sec. 15-6. Junk dealers; purchases from minors, record of sales.

- (a) It shall be unlawful for any dealer in junk to purchase from any minor, without the written consent of such minor's parent or guardian, any old iron, sacks, watches, jewelry, bicycles, machinery, tools, plumbing supplies, water pipe, guns, pistols, electric wires, lead, brass, copper or any other personal property.
- (b) It shall be the duty of every dealer in junk to keep a register in which shall be recorded a description of the property purchased by such junk dealer and the names of those from whom such purchases are made, which register shall be open to the inspection of any police officer of the city.

(Code 1962, § 14-7)

Sec. 15-7. Casting sticks, missiles, etc.; obstructing doors; defacing property

with mud, etc.

It shall be unlawful for any person to cast at or into the galleries, doors or windows of any house, store or other building, any stick, stone, bat or other missile, or place in, at or near the same any offensive matter or thing whatever, or place any obstruction in or before the same, or in or on any street or alley, or wantonly to soil with mud, paint, ink or other thing, any sign, door, window, wall, awning or fence, or tear, pull down, break or deface the same, or wantonly and maliciously injure or deface any public or private property.

(Code 1962, § 15-18)

Cross references: Destruction of property in cemetery, § 7-9.

Sec. 15-8. False alarms or reports.

- (a) It shall be unlawful for any person, willfully or intentionally to give or cause to be given or made any false alarm or false report of fire, crime, illness, accident, a natural phenomenon or other event unto any governmental agency or any private contractor engaged in the provision of police, fire, medical or other emergency services, wholly or in part, unto the citizens of Yazoo City.
 - (b) Violation of this section shall be a misdemeanor subject to penalties provided by law.
- (Ord. of 9-13-82, §§ 1, 2)

Editor's note: An ordinance of Sept. 13, 1982, §§ 1, 2, being nonamendatory of this Code, has been included herein as § 15-8 at the discretion of the editors.

Sec. 15-9. Sale, possession, etc., of brass knuckles.

- (a) It shall be unlawful for any person, firm or business to offer for sale, sell, deliver, own or possess any brass or metallic knuckle or similar device or weapon within the corporate limits of this city.
- (b) The provisions of this section shall not apply to any local, county, state or federal law enforcement agency which shall own or possess brass or metallic knuckles or similar device or weapon for display or educational purposes.
- (c) Any person violating the provisions of this section for which no other penalty prescribed shall be guilty of a misdemeanor and upon conviction, shall be fined an amount not to exceed \$500.00, or imprisonment for a term not exceeding 90 days, or both.

(Ord. of 8-28-89, § 1--3)

Editor's note: An ordinance adopted Aug. 28, 1989, §§ 1--3, did not specifically amend this Code; hence, inclusion herein as § 15-9 was at the discretion of the editor.

Sec. 15-10. Street basketball.

- (a) Anyone who shall locate, place or set up a basketball goal, either portable or permanent, in such a location which incorporates or uses in any fashion or form a public street as a playing court shall be guilty of a misdemeanor and punished as provided in section 1-8 of the Code of Ordinances.
- (b) The police department of this city is hereby authorized and empowered to enforce this section.

(Ord. of 3-22-99, §§ 1, 2)

Sec. 15-11. Parking motor vehicle on sidewalk.

It shall be unlawful to park a motor vehicle, either four- or two-wheeled, on any public sidewalk. For the purposes of this section only, parking is defined as the placement of any motor vehicle, whether such vehicle is occupied or unoccupied, so that such vehicle is on or over any portion of a public sidewalk.

(Ord. of 11-22-99)

Sec. 15-12. Smoking in city buildings prohibited.

- (a) In order to protect the property of the city from damage caused by fire and smoke that

might arise from the smoking of tobacco and other substances; and in order to provide for the public safety and protect the health of persons using the facilities of the city, it is hereby declared to be illegal for any person to smoke tobacco or any other legal substance, except in designated areas, in any building owned or operated by the city or any agency of the city.

- (b) The police department and all other law enforcement officers of the city are hereby authorized and empowered to enforce this section.
- (c) Violation of this section shall be a misdemeanor subject to penalties of a fine not to exceed \$100.00 and/or imprisonment in the city jail not to exceed 30 days.

(Ord. of 2-28-2000)

Secs. 15-13--15-20. Reserved.

ARTICLE II. SALE OF DRUG-RELATED PARAPHERNALIA*

***Editor's note: Art. II, §§ 15-21--15-24 is derived from Ord. of May 25, 1981, §§ 1--5, which ordinance did not expressly amend this Code.**

Sec. 15-21. Definitions.

Drug paraphernalia means all equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance as defined by the Mississippi Uniform Controlled Substances Law. It includes, but is not limited to:

- (1) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
- (2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;
- (3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
- (4) Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;
- (5) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
- (6) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;
- (7) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
- (8) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;
- (9) Capsules, balloons, envelopes or other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
- (10) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;
- (11) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human

- body;
- (12) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
- (a) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - (b) Water pipes;
 - (c) Carburetion tubes and devices;
 - (d) Smoking and carburetion masks;
 - (e) Roach clips, meaning objects used to hold burning material such as a marijuana cigarette that has become too small or too short to be held in the hand;
 - (f) Miniature cocaine spoons, and cocaine vials;
 - (g) Chamber pipes;
 - (h) Carburetor pipes;
 - (i) Electric pipes;
 - (j) Air-driven pipes;
 - (k) Chillums;
 - (l) Bongs;
 - (m) Ice pipes or chillers.

(Ord. of 5-25-81, § 1)

Sec. 15-22. Determination of articles falling within the definition of section 15-21.

In determining whether an object is drug paraphernalia, the court shall consider, in addition to all other logically relevant factors, the following:

- (1) Statements by an owner or anyone in control of the object concerning its use;
- (2) Prior convictions, if any, of an owner, or of anyone in control of the object, under any city, state or federal law relating to any controlled substance;
- (3) The proximity of the object, in time and space, to a direct violation of the Mississippi Uniform Controlled Substances Law;
- (4) The proximity of the object to controlled substances;
- (5) The existence of any residue of controlled substances on the object;
- (6) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of the Mississippi Uniform Controlled Substances Law;
- (7) Instructions, oral or written, provided with the object concerning its use;
- (8) Descriptive materials accompanying the object which explain or depict its uses;
- (9) National and local advertising concerning its use;
- (10) The manner in which the object is displayed for sale;
- (11) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- (12) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
- (13) The existence and scope of legitimate uses for the object in the community;
- (14) Expert testimony concerning its use.

(Ord. of 5-25-81, § 2)

Sec. 15-23. Possession, manufacture and sale of drug paraphernalia.

- (a) It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to

plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance as defined by the Mississippi Uniform Controlled Substances Law.

- (b) It is unlawful for any person to deliver, sell, possess with intent to deliver or sell, or manufacture with intent to deliver or sell, drug paraphernalia, knowing or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance as defined by the Mississippi Uniform Controlled Substances Law.
- (c) It is unlawful for any person to place in any newspaper, magazine, handbill or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.
- (d) Any person 18 years of age or over who violates paragraph (b) by delivering drug paraphernalia to a person under 18 years of age who is at least three years his junior is guilty of a special offense and shall be imprisoned in the city jail for a term of not less than 30 days.
- (e) This section does not apply to manufacturers, medical practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with the laws of the state. This section shall not be construed to prohibit any possession, manufacture or use of hypodermics made lawful by the laws of the state or by any ordinance of the city.
- (f) Any drug paraphernalia used, possessed or delivered in violation of this section shall be seized and forfeited to the municipality.

(Ord. of 5-25-81, § 3)

Sec. 15-24. Violations and penalties.

- (a) Any person violating any provisions of this article for which no other penalty is prescribed shall be guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed \$500.00, or imprisoned in the city jail for a term not exceeding 90 days, or both.
- (b) No person charged with possession of one ounce or less of marijuana shall also be charged with violation of this article.

(Ord. of 5-25-81, §§ 4, 5)

Secs. 15-25--15-40. Reserved.

ARTICLE III. ENHANCED 911 EMERGENCY RESPONSE SYSTEM*

***Editor's note: An ordinance adopted Oct. 26, 1992, did not specifically amend the Code; hence, codification of §§ 1--3 as §§ 15-41--15-43 was at the discretion of the editor.**

Cross references: Buildings and construction, Ch. 6; fire protection and prevention, Ch. 11; fire department, § 16-40 et seq.; police department, § 16-50 et seq.; numbering of buildings, § 18-20 et seq.; utilities, Ch. 22.

Sec. 15-41. Compliance with county system--New and existing structures, relocation; utility service.

- (a) All persons, firms, corporations and other legal entities constructing new structures, occupying existing structures, or locating or relocating transportable buildings within the corporate limits of the city shall, from and after this date [October 26, 1992], fully comply

with the requirements of the "Ordinance for the Implementation and Maintenance of the Yazoo County Enhanced 911 Emergency Response System" adopted on October 5, 1992, by the county board of supervisors.

- (b) No utility company operating within the corporate limits of the city shall furnish its utility service to any new structure, any existing structure with new occupant, or transportable building, including a transportable that is moved from one location to another, until it duly complies with the requirements of the "Ordinance for the Implementation and Maintenance of the Yazoo County Enhanced 911 Emergency Response System" adopted on October 5, 1992, by the county board of supervisors.

(Ord. of 10-26-92, § 1)

Sec. 15-42. Same--Structures to which numbers have been assigned.

The owner or occupant or person in charge of any house, building, mobile home, or other structure within the corporate limits of the city to which a number has been assigned shall timely comply with all requirements of the "Ordinance for the Implementation and Maintenance of the Yazoo County Enhanced 911 Emergency Response System" adopted on October 5, 1992, by the county board of supervisors.

(Ord. of 10-26-92, § 2)

Sec. 15-43. Enforcement.

The police department and building department of the city be and are hereby authorized and empowered to enforce this article.

(Ord. of 10-26-92, § 3)

Secs. 15-44--15-60. Reserved.

ARTICLE IV. DAYTIME CURFEW FOR MINORS*

***Editor's note: An ordinance adopted Aug. 22, 1994, did not specifically amend the Code; hence, codification of §§ 1--8 of said ordinance as §§ 15-61--15-68 was at the discretion of the editor.**

Sec. 15-61. Short title.

This article shall be known and may be cited as the "Daytime Curfew Ordinance".

(Ord. of 8-22-94, § 1)

Sec. 15-62. Purpose and findings.

The board of mayor and aldermen of the city has determined that juveniles have been congregating in the city causing general disturbances to residents, and contributing to an excessive number of incidents of drug-and alcohol-related crimes, thefts, homicides and assaults, including a high percentage of crimes committed by and against juveniles, and staying away from school without authorization. Such board hereby finds and determines that:

- (1) Special and extenuating circumstances presently exist within this city that call for special regulation of minors within the city in order to protect them from each other and from other persons on the street during certain specified daytime hours, to aid in crime prevention, to promote parental supervision and authority over minors, and to decrease juvenile crime rates; and
- (2) In accordance with the prevailing community standards, this article serves to regulate the conduct of juveniles on streets during the daytime hours specified below, which include those hours prohibited by the Mississippi Compulsory School Attendance Law, to be effectively and consistently enforced for the protection of the juveniles in the city from each other and from other persons on the streets

during the hours specified; for the enforcement of parental control of, authority over, and responsibility for their children; for the protection of the public from daytime mischief by juveniles; for the reduction in the incidents of juvenile criminal activity; for the furtherance of family responsibility; and for the public good, safety and welfare; and

- (3) There is justification for the enactment of a daytime curfew ordinance with the period of restrictions to coincide with the Mississippi Compulsory School Attendance Law.

(Ord. of 8-22-94, § 2)

Sec. 15-63. Definitions.

For purposes of this article, the following terms, phrases, words and their derivations shall have the meanings given herein. The word "shall" is always mandatory and not merely directory.

City means the City of Yazoo City, Mississippi, with administrative offices at City Hall, 128 E. Jefferson Street, Yazoo City, Mississippi 39194.

Compulsory school-age child means a child who has attained or will attain the age of six years on or before September 1 of the calendar year and who has not attained the age of 17 years on or before September 1 of the calendar year.

Minor or juvenile means any unemancipated person who has not reached the age of 18 years.

Parent means any person having legal custody of a minor as a natural or adoptive parent; as a legal guardian; or as a person to whom legal custody has been given by order of the court.

Police department means and shall refer to the Yazoo City Police Department Headquarters located at 2317 S. Washington Street, Yazoo City, Mississippi 39194.

Remain means to stay behind, to tarry, and to stay unnecessarily upon the streets. In the interest of precision and precaution, numerous exemptions are expressly defined in section 15-65 so that it is not a mere prohibitory-or presence-type curfew ordinance.

Street means a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or, in the case of time, whether central standard time or Central Daylight Savings Time, generally observed at that hour by the public in the city, prima facie the time when observed in the city administrative offices and police department.

(Ord. of 8-22-94, § 3)

Sec. 15-64. Restrictions.

- (a) It shall be unlawful for any compulsory school-age child to remain in or upon any public street, highway, park, vacant lot or other place within the city during the following period: 8:45 a.m. until 2:30 p.m. on Monday, Tuesday, Wednesday, Thursday or Friday, during the school term in which the compulsory school-age child is to be enrolled in a public or private legitimate nonpublic school, as required by the Mississippi Compulsory School Attendance Law (Section 37-13-91 [of the Mississippi Code 1972]).
- (b) It shall be unlawful for a parent of a minor to knowingly permit or by inefficient control to allow such minor to be or remain upon any city street under circumstances not constituting an exception to, or otherwise beyond the scope of, this article. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. It is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It shall be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor child.

(Ord. of 8-22-94, § 4)

Sec. 15-65. Exceptions.

The following shall constitute valid exceptions to the operation of the curfew:

- (1) At any time, if a minor is accompanied by his or her parent;
- (2) When a minor [is] accompanied by an adult authorized by a parent of such minor to take the parent's place in accompanying the minor for a designated period of time and purpose within a specified area;
- (3) If the minor is legally employed, for the period from 45 minutes before to 45 minutes after work, while going directly between his or her home or school and place of employment. This exception shall also apply if the minor is in a public place during curfew hours in the course of his or her employment. To come within this exception, the minor must be carrying a written statement of employment issued by his or her employer pursuant to the authorization of the chief of police of the city, or his designee, to expire within 90 days;
- (4) If the minor is on the property of, or the sidewalk directly adjacent to, the place where such minor resides, or the place immediately adjacent thereto, if the owner of the adjacent property does not communicate an objection to the minor and the police officer;
- (5) In the case of reasonable necessity, but only after such minor's parent has communicated to police department personnel the facts establishing such reasonable necessity, the place of origin and destination, and the specified streets and time of travel. A copy of such communication, or the police record thereof, duly certified by the chief of police to be correct, an appropriate notation of the time it was received and of the names and addresses of such parent and minor shall constitute evidence of qualification under this exception.
- (6) When a minor [is] exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly. Such minor shall evidence the bona fides of such exercise and provide notice to city officials by first delivering to the police department as written communication, signed by such minor, with their home address and telephone number, addressed to the mayor of the city, specifying when, where and in the manner the minor will be on the streets (during hours when the curfew ordinance to [will] still otherwise be applicable to the minor) in the exercise of a First Amendment right specified in such communication;
- (7) When such minor is responding to a medical emergency situation to which such minor is a necessary or reasonable party;
- (8) When a minor is, with parental consent, in a motor vehicle engaged in bona fide travel through the city, particularly on U. S. Highway 49 or Mississippi Highway 3 and all access roads to these systems. This also exempts all highway travel beginning or ending in the city;
- (9) Any exception set forth in the text of the Mississippi Compulsory School Attendance Law, Section 37-13-91 [of the Mississippi Code 1972].

Each of the foregoing exceptions and their several limitations, such as provision for notification, are severable as hereinafter provided by here re-emphasized.

(Ord. of 8-22-94, § 5)

Sec. 15-66. Violations.

- (a) A police officer of the city who has probable cause to believe that a minor is in violation of this article shall transport the minor to the police department. When a minor is taken to the police department, the minor's parents shall be immediately contacted. If, after this contact, there is still probable cause to believe that the minor was violating this article, the minor

shall be held until a parent comes to take the minor home. When a parent arrives, he or she shall be given a copy of this article, and a written notice of the minor's violation with a warning that any subsequent violation will result in a full enforcement of the curfew ordinance, including enforcement of parental responsibility and applicable penalties. If no parent has arrived within two hours, the minor shall be turned over to custody of the appropriate local juvenile authorities until a parent can take custody of him or her.

- (b) If, after the warning notice set forth in subsection (a) above is delivered to the parent, there is a second violation of the article by a minor, a parent violates section 15-64(b) (in connection with a second violation by a minor), and this shall be treated as a first offense by the parent. For each subsequent offense by a parent, the fine shall be doubled; e.g., \$50.00 for the second offense, \$100.00 for the third offense.
- (c) Any minor who shall violate any of the provisions of this article more than once shall be dealt with in accordance to [with] the youth court law of the state and in accordance with the directives of the youth court of the county, or other court as shall have jurisdiction of such minor.

(Ord. of 8-22-94, § 6)

Sec. 15-67. Construction and severability.

If any provision, including any exception, part, phrase or term of or the application thereof to any person or circumstances is held invalid, the application of other persons or circumstances shall not be affected thereby and the validity of the curfew ordinance in any and all other respects shall not be affected thereby. The board does not intend a result that is absurd, impossible to execute or unreasonable. It is intended that the curfew ordinance be held inapplicable in such cases, if any, where its application would be unconstitutional. A constitutional construction is intended and shall be given. The board does not intend to violate the Constitution of the State of Mississippi or the Constitution of the United States of America.

(Ord. of 8-22-94, § 7)

Sec. 15-68. Continuing evaluation.

- (a) Each month after the implementation of this article, the chief of police shall provide the city council with a report concerning the effect of this article on crimes committed by and against minors, and of the number of warnings issued and arrests of minors and parents hereunder, and such other information as the city council may request.
- (b) After receipt of the police chief's report by the city council, the city clerk shall place this matter on the city council agenda for discussion, review, and continuing its evaluation.

(Ord. of 8-22-94, § 8)

Secs. 15-69--15-75. Reserved.

ARTICLE V. USE OF TOBACCO PRODUCTS BY YOUTH

Sec. 15-76. Definitions.

[As used in this article, the following words and terms shall have the meaning ascribed thereto:

Retailer shall mean every person, company, corporation, partnership, business association, joint venture, estate, trust, or any other combination acting as a unit or legal entity other than a wholesale dealer as defined in section 97-32-3 of the Mississippi Code of 1972, whose business is that of selling merchandise as retail, who shall sell or offer for sale tobacco to the consumer.

School property shall mean any public or private school building or bus, public or private school campus, grounds, recreational area, athletic field or other property owned, used or operated by any local school board, school, board of trustees or for directors for the administration of any public or private education institution. "School property", for the purpose of this article, shall not include any public or private junior college, college or university of any sixteenth section school

land or lieu land on which there is not located a school building, school campus, recreational area or athletic field.

School sponsored activity shall mean any school sponsored event for athletic, academic, musical, social or entertainment purpose, attended by students, including any transportation to and from provided by the school, regardless of whether such activity is held on school property.

Student shall mean any student of a public or private elementary, middle, junior high or high school, regardless of whether such person is 18 years of age or older.

Tobacco and/or tobacco product shall mean any substance that contains tobacco including, but not limited to, cigarettes, cigars, pipes, snuff, chewing tobacco, pipe tobacco, smoking tobacco, smokeless tobacco, spit tobacco or tobacco spittle.

Use shall mean the smoking of tobacco and/or tobacco product, the possession of a lighted cigarette, cigar, or other product, the chewing, oral consumption, spitting, inhaling or other ingestion of any tobacco product or the possession of any container of tobacco spittle.

(Ord. of 5-10-99, § 1)

Sec. 15-77. Possession of products by persons under the age of 18 prohibited.

It shall be unlawful for any person under the age of 18 to possess any tobacco and/or tobacco products within the corporate limits of the city.

(Ord. of 5-10-99, § 2)

Sec. 15-78. Possession on school property and at school sponsored events.

It shall be unlawful for any person under the age of 18, including students over the age of 18 and older to possess any tobacco and/or tobacco products on school property and/or at any school sponsored activity within the corporate limits of the city.

(Ord. of 5-10-99, § 3)

Sec. 15-79. Use by persons under age 18.

It shall be unlawful for any person under the age of 18 to use any tobacco and/or tobacco products within the corporate limits of the city.

(Ord. of 5-10-99, § 4)

Sec. 15-80. Use of on school property and at school sponsored activities.

It shall be unlawful for any person under the age of 18, including students age 18 or older, to use tobacco and/or tobacco products on school property and/or at any school sponsored activity within the corporate limits of the city.

(Ord. of 5-10-99, § 5)

Sec. 15-81. Misrepresentation of age.

It shall be unlawful for any person under the age of 18 within the corporate limits of the city, for the purpose of purchasing and/or possessing tobacco and/or tobacco products, to falsely state he or she is 18 years of age or older or to present any form or means of identification which falsely states he or she is 18 years of age or older.

(Ord. of 5-10-99, § 6)

Sec. 15-82. Purchase.

It shall be unlawful for any person under the age of 18 to purchase or attempt to purchase tobacco and/or tobacco products within the corporate limits of the city.

(Ord. of 5-10-99, § 7)

Sec. 15-83. Violation of article.

Any person under the age of 18 who is found guilty of violating this article shall be punished by a fine of no more than \$100.00 or 30 hours of community service or both.

(Ord. of 5-10-99, § 8)

Sec. 15-84. Alternative to punishment by community service.

As an alternative to imposing community service as a punishment, and person under the age of 18 who is found guilty of violating this article may be punished by requiring such persons to attend and complete a tobacco education program and/or tobacco use cessation program approved by the court. Those persons found guilty of violating this article who are required to attend one of the programs provided above, may be required to pay for the reasonable costs of their attendance and completion of such program in lieu of payment of a fine of \$100.00.

(Ord. of 5-10-99, § 9)

Sec. 15-85. Violation of article by persons age 18 or older.

Any person age 18 or older who is a student and who is found guilty of violating this article shall be punished by a fine of no more than \$100.00 or no more than 30 hours of community service or both.

(Ord. of 5-10-99, § 10)

Chapter 16 OFFICERS AND EMPLOYEES*

***Charter references: Officers, § 3.**

Cross references: As to offices of mayor, aldermen and city attorney, see Ch. 2; appointments by full membership of governing body, § 2-30; certain officers required to attend meetings of governing body, § 2-27.

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ARTICLE I. IN GENERAL

Sec. 16-1. Oath of office; form, filing oath and bond.

All officers shall take the following oath before entering upon the duties of their office:

OATH OF OFFICE

"I _____, do solemnly swear (or affirm) that I will faithfully support the Constitution of the United States and the Constitution of the State of Mississippi, and obey the laws thereof; that I am not disqualified from holding the office of _____; that I will faithfully discharge the duties of the office upon which I am about to enter. So help me God."

The oath, with the official bond, when approved, shall be filed with the city clerk.

(Code 1962, § 2-36)

Charter references: Oath of office, bond of city officers, § 6.

Sec. 16-2. Condition of bonds of city officers.

The bonds of all city officers who are required to give bond shall be made payable to the city and be conditioned as follows:

"Whereas, The above bound _____ was duly elected (or appointed) to the office of _____, on the _____ day of _____, 19_____, for the term of _____ from the _____ day of _____; therefore, if he shall faithfully perform all the duties of said office during his continuance therein, then the above obligation to be void; otherwise to remain in full force and virtue."

This provision shall be considered as directory only, and the failure to observe the form above prescribed shall not vitiate any official bond.

(Code 1962, § 2-37)

Sec. 16-3. Terms of office of department heads.

The term of office of the appointed heads of the various departments of the city, including the city marshal or chief of police, chief of fire department, street commissioner and engineer, tax assessor, city clerk and tax collector, building inspector or building official, and cemetery sexton,

is hereby fixed at four years, which terms of office shall be determinable at the pleasure of the governing body by resolution duly adopted.

(Ord. of 3-9-64, § 1)

Sec. 16-4. Speculation in city warrants, etc.

No officer or agent of the city shall purchase or sell any scrip, warrants or bonds of the city, or any city free school scrip or warrants, on speculation, nor loan out or use on his own account, on any pretext, any money of the city, or of the free public schools thereof, or on any pretext, pledge or loan any of the property, notes, bonds or other securities of said city or schools, except in the manner provided by law, and by the order of the governing body; and all acts of any officer or agent contrary to this section shall be void and be sufficient cause for his removal from office. (Code 1962, § 2-38)

Charter references: Accounting for moneys received, § 71.

State law references: Municipal officers, employees prohibited from being interested in contracts with the city, Miss. Code 1972, § 21-31-9; wrongfully issuing, etc., warrants, § 21-39-17.

Sec. 16-5. Books subject to inspection.

Every officer or agent of the city, at all times when requested, shall submit his books and official papers to the inspection of the mayor or any alderman, or to any person or committee appointed or authorized by the governing body to examine the same.

(Code 1962, § 2-39)

Sec. 16-6. Disposition of property of office.

Every officer or agent of the city, on going out of office, shall deliver to his successor, or to the mayor, all books, papers, accounts, tools, instruments and property pertaining to his office and belonging to the city, and shall be entitled to a receipt therefor, if required.

(Code 1962, § 2-40)

Sec. 16-7. Suspension from office.

Any officer other than the head of a department, of the city who shall violate any of his official obligations, or be guilty of culpable official negligence, dereliction of duty, incompetency, or other of the offenses mentioned in section 16-8, shall be suspended from office by the mayor, who shall appoint a suitable person to fill such office for the time being, and without delay report his action, together with charges against the delinquent, to the next meeting of the governing body. Department heads may be suspended only upon the approval of the governing body.

(Code 1962, § 2-41; Ord. of 10-13-69, § 1)

Sec. 16-8. Removal from office.

Every officer or agent of the city who shall refuse or wilfully neglect to perform the duties imposed on him by any law, ordinance, order or resolution of the governing body, or who shall in his official acts be guilty of any fraud, oppression, favoritism, injustice, malfeasance, misconduct, misdemeanor or drunkenness while in office, shall be removed from office by the governing body, provided a majority therefor shall record their vote therefor, and the delinquent officer or agent shall have five days' notice of the time and place of trying the charge against him, and shall be served with a copy of such charge with said notice.

(Code 1962, § 2-42)

Sec. 16-9. Extra or overtime work for city.

The governing body may designate special projects or special work as available to the city employees to be done as extra or overtime work. City employees may engage in such extra work at their option and shall receive as their pay one and one-half times their usual rate of pay computed on an hourly basis. Said work shall be paid for at an hourly rate and shall be subject to the same deductions as the employees' regular pay. Such overtime work may be for such duties

as designated by the governing body in other than the regular duties of such employees.
(Ord. of 6-9-75, § 1)

Sec. 16-10. Noncity employment.

City employees are hereby prohibited from accepting or engaging in any employment, occupation or work other than the business of the city, if such outside employment, occupation or work, in any way interferes with their duties as employees of the city, and they are hereby required to devote the entire time of their working hours to the performance of the duties and the discharge of the work of the city for which they are respectively employed; provided, however, this section shall not apply to the city attorney. Any city employee violating the provision of this section shall be liable to immediate discharge by the governing body.

(Code 1962, § 8-1; Ord. of 2-14-83, § 1)

Sec. 16-11. Political activity--Generally.

No person holding any city office, place, position, or employment to which he or she has been appointed or hired, and for which he or she receives compensation, shall engage in any city political campaign of any candidate for a municipal office in any manner whatsoever or engage in pernicious activities, and any such person so engaging in such campaign or activities shall be subject to dismissal or demotion by unanimous vote of the governing body.

(Ord. of 8-25-64, § 1; Ord. of 2-26-68, § 1)

Sec. 16-12. Same--Becoming candidate.

No employee of the city, other than an elective official, shall, while such an employee, qualify for or announce his or her candidacy for any elective office of the city, and immediately that such city employee qualifies for, or announces his or her candidacy for such office, his or her employment as a city employee shall terminate and cease.

(Ord. of 4-23-73, § 1)

Sec. 16-13. Sick leave--Authorized for employees, department heads.

All regularly employed employees of the city fire department, the city police department, the city clerk's office, the city assessor's office, the city street department, the city cemetery department, and the heads of said departments, shall hereafter be entitled to and are hereby granted sick leave and pay while on sick leave at their regular salary for the periods and under the circumstances as hereinafter set forth in section 16-14.

(Code 1962, § 8-2)

Cross references: Social security, state retirement plans, adopted, § 16-80.

Sec. 16-14. Same--Amounts, limit.

All city employees who had on October 22, 1956, a previous service of five years with the city were entitled on such date to 30 days' leave for sickness with pay. All employees of the city with less than five years' service with the city as of said date were entitled to 20 days' sick leave with pay, provided that they had not less than 20 months' previous employment with the city. Those employees of the city with less than 20 months' previous employment with the city were and are entitled to sick leave to accumulate at the rate of 12 days a year or one day a month. The maximum of sick leave that may be accumulated by any employee, including that determined as of said date and the additional accumulated after said date shall not exceed 60 days. Said sick leave shall accumulate for the above employees of the city at the rate of 12 days per year or one day per month for their employment with the city.

(Code 1962, § 8-3)

Sec. 16-15. Same--Not to accrue during first ninety days of employment; no cash value therefor.

No sick leave shall accumulate during the first 90 days of employment or be allowed to any employee for the first day of any illness or disability. The sick leave provided for in section 16-13 shall have no cash value, but each employee may while ill or disabled in the employment of the

city be entitled to draw or collect his regular pay during such days of such sickness or disability as he may be hereunder entitled to, not exceeding the maximum as set forth herein during such sickness or disability.

(Code 1962, § 8-4)

Sec. 16-16. Same--Reports required.

Each employee, before being entitled to collect sick leave shall furnish a statement signed by the head of his department certifying to his illness for the days' pay claimed by reason of the sick leave granted. Each department head is required to report to the city clerk each payroll period all absences of each employee during said period. Employees, during their off duty time, may work for or fulfill the duties of another employee sick or disabled, whereby the ill or disabled employee will not be required to use his sick leave, all at the discretion and with the permission of his department head.

(Code 1962, § 8-5)

Sec. 16-17. Vacation leave--Authorized for employees, department heads.

All regularly employed employees of the city fire department, the city police department, the city clerk's office, the city assessor's office, the city street department, the city cemetery department, and the heads of said departments, are hereby granted vacation leave and pay as set forth in section 16-18.

(Code 1962, § 8-6)

Secs. 16-18--16-29. Reserved.

Editor's note: Formerly, §§ 16-18, 16-19 pertained to the accumulation of vacation time, the amount, conditions, and cash value thereof as derived from the 1962 Code, §§ 8-7, 8-8; and ordinances adopted Apr. 27, 1964; Nov. 12, 1974; and Oct. 8, 1990. Such sections were rescinded by an ordinance adopted Feb. 12, 2001.

ARTICLE II. CITY CLERK AND TAX COLLECTOR

Sec. 16-30. Salary.

Beginning with the first full pay period in November 2005, the salary of the clerk and tax collector shall be \$4,005.00 per month, together with longevity increases allowed by law, and shall be made payable bi-weekly.

(Code 1962, § 2-44; Ord. of 9-25-78; Ord. of 2-4-79, § 1; Ord. of 9-29-80, § 1; Ord. of 9-28-81, § 1; Ord. of 9-26-83, § 1; Ord. of 9-24-84(2), § 1; Ord. of 9-9-85, § 1; Ord. of 9-9-87, § 1; Ord. of 9-12-88, § 1; Ord. of 5-28-90, § 1; Ord. of 9-9-91, § 1; Ord. of 8-24-92, § 1; Ord. of 9-13-93, § 1; Ord. of 9-12-94, § 1; Ord. of 9-11-95, § 1; Ord. of 9-9-96, § 1; Ord. of 9-8-97, § 1; Ord. of 9-14-98, § 1; Ord. of 10-25-99, § 1; Ord. of 10-27-2003(4); Ord. of 9-13-2004(4); Ord. of 9-24-2005)

Sec. 16-31. To devote entire time to municipal duties.

The city clerk and collector of taxes shall devote his entire time to his duties as such, and shall not have or pursue any other business or calling. He shall be in the city clerk's office in the city hall, from 9:00 a.m. to 5:30 p.m., with the exception of one hour for dinner, or when necessarily absent in the discharge of the duties of his office.

(Code 1962, § 2-45)

Sec. 16-32. Duties.

- (a) *Keep minutes of board meetings. The city clerk and collector of taxes shall attend each meeting of the governing body, and keep full, true and correct minutes of the proceedings thereof, in a well-bound book to be provided by the governing body and kept for that purpose.*
- (b) *Issue warrants. The city clerk and collector of taxes shall issue all warrants ordered by the governing body and the board of school trustees, as provided by law, and shall keep a record*

of the same, showing date, number and amount of each warrant, the name of the payee thereof, and for and on what account or fund issued.

- (c) *Issue licenses. The city clerk and collector of taxes shall issue all licenses and keep a correct record of the date, number and amount of same, the name of the person to whom and the purpose or object for which the same was issued.*
- (d) *Collect taxes and privilege licenses. The city clerk and collector of taxes shall collect taxes and privilege licenses of every kind whatever, which shall be assessed and levied by the city, and shall perform all such duties in connection with the assessment and collection of taxes as may be required of him by any law, ordinance or order of the city.*
- (e) *Keep account for city, school monies. The city clerk and collector of taxes shall receive and safely keep all monies belonging to the city and public schools therefor, and keep an accurate account of all receipts and disbursements made by him; he shall keep separate accounts of all monies paid into his hands on account, or to credit, of the general, the special and the school funds; he shall make in writing, under oath, at each regular monthly meeting of the governing body, a detailed report showing all receipts and disbursements by him, for or on account of the different funds in his hands, accompanied by the proper vouchers. The duties and the responsibility of the city clerk under this section, relating to school funds, shall be delegated to the superintendent of the municipal separate school district to act as special accounting officer and treasurer, serving for the city clerk with respect to any and all municipal separate school district funds, and in accordance with the resolution of the board of mayor and aldermen as passed on September 12, 1983.*
- (f) *Give receipts for moneys. The city clerk and collector of taxes shall give receipts for all moneys paid to him in his official character, showing for or on what account such payments were made, and shall pay over weekly all moneys in his hands belonging to the city, and shall keep an accurate account, in a book to be kept by him for the purpose of all moneys received by him, by whom paid, when and on what account and in what kind of funds such payments were made.*
- (g) *Make statement of receipts and report to board. The city clerk and collector of taxes shall make out in writing a detailed statement of his receipts from all sources, showing amount, when, by whom and on what account paid, and shall present the same, under oath, to the governing body at its regular meeting in every month.*
- (h) *Prepare statement of claims allowed. The city clerk and collector of taxes, immediately after the adjournment of each regular or special meeting of the governing body, shall make out a statement in writing, certified under his hand and the seal of this city to be true and correct, showing the aggregate amount of all claims allowed by this governing body at each regular or special meeting thereof, and out of what funds the same is payable, together with the date of such allowance.*
- (i) *Keep record of allowances. The city clerk and collector of taxes shall enter in a book kept for the purpose, the date and the aggregate amount of such allowances, to the debit of the respective funds out of which the same is payable, and thereafter to credit such fund by disbursements made by him on warrants drawn against the same, specifying in each such credit, the date, number and amount of the warrant paid and the name of the payee thereof.*
- (j) *Index each order, resolution, and ordinance. The city clerk and collector of taxes, as soon after each meeting of the governing body as may be convenient, shall index in regular alphabetical order, in a suitable book to be kept for that purpose, each order, resolution and*

ordinance passed by the governing body, and whenever any ordinance, order or resolution is printed and published, it shall be his duty to procure and paste a printed copy thereof in a blank book to be kept by him for that purpose in regular order according to the date of passage thereof, and have the same present at each meeting of the governing body.

- (k) *Prepare for publication copy of proceedings. The city clerk and collector of taxes shall make out and furnish for publication a true copy of the proceedings of each meeting of the governing body as soon after adjournment as possible, and shall furnish to any officer of the city such information as his minutes, books and papers may contain; and shall generally do and perform such other duties as the charter and laws of the city, and orders and resolutions of the governing body may devolve upon him.*
- (l) *Report fact of publication. Whenever an ordinance shall have been adopted and published, it shall be the duty of the city clerk and collector of taxes to report the fact of publication at the next meeting of the governing body, make an entry of the same on the minutes of the proceedings of said meeting, and endorse a reference to said entry under said ordinance in the book containing a record of the ordinance.*

(Code 1962, § 2-46; Ord. of 9-26-83)

State law references: Duties, Miss. Code 1972, § 21-15-17 et seq.

Sec. 16-33. To keep double entry books.

The city clerk and collector of taxes shall keep a regular double entry set of books, showing receipts and disbursements made by the city, and shall credit and charge all receipts and disbursements to the proper account or department. He shall take off a trial balance once a month and report the same at each regular meeting of the governing body. He shall perform such other duties as are now and have been heretofore required of him by law or may hereafter be devolved upon him, and he shall follow at all times the instructions of the governing body.

(Code 1962, § 2-47)

Sec. 16-34. Same--Ex officio clerk of other boards.

The city clerk and collector of taxes shall be ex officio clerk of the board of electric light, water and sewer commissioners, and the board of school trustees.

(Code 1962, § 2-48)

Secs. 16-35--16-39. Reserved.

ARTICLE III. FIRE DEPARTMENT*

***Charter references: Authority to organize, regulate fire department, § 14(11).**

Cross references: Fire protection and prevention generally, Ch. 11; disability and relief fund, § 16-85; right-of-way, § 21-28.

State law references: Municipal authority to provide for, maintain and regulate a fire department, Miss. Code 1972, § 21-25-3; appointing fire marshal, § 21-25-1.

Sec. 16-40. Department established.

A fire department for the city is hereby established.

(Code 1962, § 8-16)

Sec. 16-41. Fire chief--Duties and powers.

It shall be the duty of the chief of the fire department to examine the engines, hose, ladders and all other property pertaining to the fire department and to see that the same are in good order and ready for service, and to make a monthly report to the governing body of all matters relative to the condition of the fire department, the number of alarms, the number of fires and amount of

loss, and to examine into the origin of all fires, and make report of same; to be present at every fire, and to have full and complete control and command of the fire department, and to so employ the members of the department as to obtain the most effective service. He is empowered to suppress all tumults and disorders occurring at fires, and to call to his aid all bystanders.
(Code 1962, § 8-17)

Cross references: Authority to destroy buildings, § 11-1.

Sec. 16-42. Same--Neglect of duty.

The failure or neglect of the chief of the fire department to perform any of the duties imposed upon him by law, shall be punishable by his removal from office, or such fine as the governing body may upon investigation impose, or both; provided, however, it shall require a two-thirds vote of the governing body at a regular meeting to make such removal, or a majority vote at a regular meeting to impose any fine.

(Code 1962, § 8-19)

Sec. 16-43. Fire chief to hire employees.

All members of the fire department shall be employed by the chief of the fire department; provided, however, the names of applicants for employment shall be first submitted by the chief to the governing body and the approval and authorization thereof first obtained.

(Code 1962, § 8-18)

Sec. 16-44. Firemen to attend state fire academy.

All members of the city fire department hired as firemen shall, within one year of such employment, attend, successfully complete and graduate from the basic courses at the State Fire Academy of Mississippi and the failure to so do shall be grounds for termination of such employment.

(Ord. of 10-27-86, § 1)

Secs. 16-45--16-49. Reserved.

ARTICLE IV. POLICE DEPARTMENT*

***Charter references: Authority to establish police force, § 14(20).**

Cross references: Disability and relief fund, § 16-85.

State law references: Municipal authority to employ, regulate and support a police force, Miss. Code 1972, § 21-21-3.

Sec. 16-50. Department established.

A city police department is hereby established.

(Code 1962, § 8-26)

Sec. 16-51. Marshal or chief of police to hire employees.

All members of the police department shall be employed by the marshal or chief of police; provided, however, the names of applicants for employment shall be first submitted by the chief of the department to the governing body and the approval and authorization thereof first obtained.

(Code 1962, § 8-27)

Sec. 16-52. Powers and duties of marshal or chief of police.

- (a) *Execute process; preserving peace: The marshal or chief of police shall, without delay, execute all lawful process or orders, that may be directed or given to him by the mayor, governing body, police justice or others authorized to issue process on behalf of the city; and shall use his utmost endeavor to prevent and suppress all crimes, breaches or disturbances of the peace, indecent or disorderly conduct, and any violations of the laws and the*

ordinances of the city.

- (b) *Arrest: It shall be the duty of the marshal or chief of police at all times to arrest, with or without warrant, and to take before the police court for examination all persons violating or attempting to violate any laws of this state, or any ordinance, law or order of this city.*
- (c) *Supervision of police: The marshal or chief of police may suspend any policeman for misconduct or failure to perform his duty, and shall report all such suspensions to the mayor with the cause thereof. He shall have and exercise general supervision and control of the police force of the city, subject to the orders of the governing body and shall report to the mayor any policeman who may be derelict in his duty, or guilty of any improper conduct, either when on or off duty.*
- (d) *Investigations: When parties have been arrested, the marshal or chief of police shall ascertain the names of all the witnesses and report the same, together with all the facts of each case to the police justice or city prosecuting attorney.*
- (e) *Meetings, police court sessions: The marshal or chief of police shall be personally present at all regular and special meetings of the governing body and sessions of the police court, and wait upon and execute the orders thereof. He shall notify the members of all meetings of the governing body, regular and special, and shall see that the meeting chamber is provided with necessary heat, air conditioning, lights, water and stationery, and shall perform such other duties as may from time to time be required of him by the governing body.*
- (f) *Control of prisoners: The marshal or chief of police shall have control of, and be responsible for, every prisoner arrested for violating any ordinance or law, and on conviction shall receive from the police justice a mittimus, and shall execute the same according to law.*

(Code 1962, § 2-51; Ord. of 10-13-69, § 1)

State law references: Powers and duties of marshal or chief of police, Miss. Code 1972, § 21-21-1.

Sec. 16-53. Duties of police--Generally.

- (a) *Arrest suspicious persons, lawbreakers: It shall be the duty of the police to stop any suspicious person who may be found lurking about the streets after nightfall without being able to give a good account of himself, or any person who may be guilty of disturbing the peace and good order of the city, or who shall violate any of the city ordinances, or who shall become drunk or riotous or publicly use profane, obscene or abusive language within the city.*
- (b) *Prevent obstructions to streets, execute criminal laws: It shall be the duty of the police to prevent all obstructions of the streets, to disperse all unseasonable, riotous or disorderly meetings of all persons on the streets or thoroughfares or other places within the city, and to the best of their ability keep and preserve the peace and order of the city, and faithfully assist in executing the criminal laws of the state and country.*
- (c) *Report fires, nuisances: The police shall give promptly any alarm of fire, and shall report all nuisances.*

(Code 1962, § 8-29)

Cross references: Regulations governing procedure in arrest, § 8-7 et seq.; chief of police to act as executive officer of police court, § 8-6.

Sec. 16-54. Same--To attend fires.

It shall be the duty of the marshal or chief of police, together with a competent force of policemen, to attend all fires that may occur in the city, and to assist the different fire companies in the execution of their duties, when requested by them; and particularly to attend to the duties of police in preventing felonies and disturbances, and have all offenders brought to justice.

(Code 1962, § 8-30)

Sec. 16-55. Courtesy; use of necessary force only.

Members of the police department shall strictly observe orderly, polite and respectful conduct on all occasions towards all persons. They shall use no abuse, violence or unreasonable force in the arrest of offenders.

(Code 1962, § 8-31)

Sec. 16-56. Suspension for misconduct, failure to perform duty.

The marshal or chief of police shall suspend any member of the police department for misconduct or failure to perform his duty. All such suspensions shall be reported to the mayor, who may reinstate the person suspended or report the same to the governing body for further action. The mayor may suspend or remove any such member for sufficient cause, to be reported to the governing body.

(Code 1962, § 8-32)

Sec. 16-57. Arrest docket--To be maintained.

It shall be the duty of any member of the police department to enter on the police arrest docket, which shall be kept for that purpose, the true name, when known, of any person arrested by him, also color and sex, giving the crime for which arrested, the hour and day of arrest, the names of all witnesses, place of residence, name of the officer making the arrest, whether with or without warrant, and any other facts about the case which may be material.

(Code 1962, § 8-33)

Sec. 16-58. Same--Entering false name on the docket.

Any member of the police department who shall enter on the docket a name other than the real name of the offending person, when the real name of such person is known, shall be at once dismissed.

(Code 1962, § 8-34)

Sec. 16-59. Compensation of policemen.

A regular policeman shall receive for his services a salary to be fixed by resolution of the governing body duly entered upon its minutes, and shall receive no other fees or emoluments of any kind whatever, except that in concealed weapon cases and local option cases, the policeman making the arrest shall be entitled to a fee of \$5.00 on conviction of the offender, to be taxed as a part of the costs. A special policeman shall receive a salary to be fixed as set out above and the same fees as regular policemen.

(Code 1962, § 8-36)

Secs. 16-60--16-69. Reserved.

ARTICLE V. PARKS AND RECREATION DEPARTMENT*

***Charter references: Authority to construct, operate swimming pools, acquire property and appropriate funds therefor, § 14(33).**

Cross references: Loitering in parks, § 15-4; defacing, destroying public property prohibited, § 15-7.

State law references: Municipal authority to hold property for park purposes, Miss. Code 1972, § 21-17-1; to exercise full jurisdiction as to parks, § 21-37-3.

Sec. 16-70. Department established.

A parks and recreation department is hereby established.
(Ord. of 4-18-75, § 1)

Sec. 16-71. Director.

The governing body shall employ a director of the parks and recreation department and shall fix his salary and term of office. The director shall be an officer of the city and head of said department. The director shall have the same general powers and duties as other department heads of the city and may be discharged for failure or neglect of duties or other good cause.
(Ord. of 4-18-75, § 2)

Sec. 16-72. Programs; supervision.

It shall be the duty of the director to conduct the recreational programs of the city and to maintain, manage, supervise and control the parks, playgrounds, swimming pool or pools and other recreational facilities of the city, whether within or without the city.
(Ord. of 4-18-75, § 3)

Sec. 16-73. Employees.

All members of the parks and recreation department shall be employed by the director of the department; provided, however, the names of applications for employment shall be first submitted by the director to the governing body and the approval and authorization thereof first obtained.
(Ord. of 4-18-75, § 4)

Secs. 16-74--16-79. Reserved.

ARTICLE VI. RETIREMENT AND DISABILITY

Sec. 16-80. Social security, state retirement plans--Adopted.

It is hereby declared to be the policy and purpose of the city to adopt the provisions of Articles I and II, Chapter 11, Title 25, Mississippi Code 1972, providing social security and state retirement to eligible employees and officers of the city. In pursuance of said policy, and for that purpose, the officers of the city shall take such action as may be required by applicable state or federal laws or regulations.
(Code 1962, § 8-46)

Sec. 16-81. Same--Execution of agreement.

The mayor and city clerk of the city are hereby authorized and directed to execute an agreement with the Public Employee's Retirement System of Mississippi to secure coverage of eligible employees as provided in section 16-80.
(Code 1962, § 8-47)

Sec. 16-82. Same--Withholding.

Withholding from salaries or wages of employees for the purposes provided in section 16-80 are hereby authorized to be made in the amounts and at such times as may be required by applicable state and federal laws and regulations, and shall be paid over to the state agency in such amounts and at such times as are designated by state laws and regulations.
(Code 1962, § 8-48)

Sec. 16-83. Same--Employer contributions, administrative expense.

Employer contributions and administrative expense for the purposes provided in section 16-80 shall be paid to the state agency in accordance with applicable state laws and regulations from amounts appropriated for such purpose.
(Code 1962, § 8-49)

Sec. 16-84. Same--Records and reports.

The city clerk shall maintain such records and submit such reports as may be required by applicable state and federal laws or regulations for the purposes provided in section 16-80.

(Code 1962, § 8-50)

Sec. 16-85. Disability and relief fund for firemen and policemen--Plan adopted.

The city does elect to create and maintain a fund to be known as the "Disability and Relief Fund for Firemen and Policemen" and administer the same for the benefit of the firemen and policemen of this municipality as provided for and authorized under and by virtue of Chapter 287 of the General Laws of Mississippi of 1940 as amended (Section 21-29-101 et seq. of the Mississippi Code, 1972) subject to the exceptions hereinafter set forth.

(Ord. of 9-24-64, § 1)

State law references: Medical and hospital care for injured policemen and firemen, Miss. Code 1972, §§ 21-2-9, 21-25-9, respectively.

Sec. 16-86. Same--Continuation under other systems.

The participation of this city in behalf of the employees of the city benefited by said fund, heretofore had under the public employees retirement system of this state is hereby, on September 28, 1964, discontinued and terminated; but said employees shall continue to be covered under the federal social security and the city to pay, out of funds which would otherwise be invested in said disability and relief fund, the funds required of the city for such purpose, and such employees shall continue to pay out of their salaries such portion as may be required of them under said social security system, until they are permitted to cease participation in such social security system, and so elect to do so.

(Ord. of 9-28-64, § 2; Ord. of 10-19-64, § 1)

Sec. 16-87. Same--Institution of fund.

The city clerk is authorized and directed to institute and inaugurate a specific fund known as "Disability and Relief Fund for Firemen and Policemen," and keep said records separate and according to the laws of the state regarding city funds.

(Ord. of 9-24-64, § 3)

Sec. 16-88. Same--Administration.

Said fund shall be contributed to, invested, governed, and disbursed in full accordance with the requirements of said act, and said city and said employees shall contribute thereto as required by said act and amendments thereto.

(Ord. of 9-24-64, § 4)

Sec. 16-89. Same--Board of relief and disability.

A board of relief and disability of the city is hereby created in accordance with said act and the numbers thereof are to be selected in accordance with said act, by resolution of the governing body when required, and to have and exercise all of the powers and duties as provided in said act, and for such terms as provided for therein.

(Ord. of 9-24-64, § 5)

Sec. 16-90. Same--Postponement of payment of benefits.

In accordance with the special request and agreement of all members of the fire department and of the police department, no retirement or disability benefits are to be due or payable out of said fund to city policemen or firemen, or to the beneficiaries of any such fireman or policeman as designated in said act, during or for a period of five years from September 24, 1964, except in the following exceptions:

- (1) In the event a policeman or fireman with 20 years of employment as such in this city and continuously employed during the past seven years and six months dies in said five-year period, his beneficiaries as designated in the act shall be entitled to such benefits as the act may provide.
- (2) In the event a policeman or fireman should die or become totally disabled in active service as a result of injury received while in the discharge of duty in the service of the city fire department or police department, or as a result of sickness or disease

due to the discharge of duty while in service as a member of said fire department or police department, within said five years of September 24, 1964, then he or his beneficiaries as designated in the act shall be entitled to such benefits as the act now provides.

(Ord. of 9-24-64, § 6)

Chapter 17 PLANNING*

***Cross references: Zoning, App. A; subdivisions, App. B; flood hazard protection, § 6-4 et seq.**

[Sec. 17-1. City planning commission--Created; membership.](#)

[Sec. 17-2. Same--Organization; rules; staff; finances.](#)

[Sec. 17-3. Same--Powers and duties.](#)

[Sec. 17-4. Same--Approval, etc. of acts by city and county.](#)

[Sec. 17-5. Master plan--Scope.](#)

[Sec. 17-6. Same--Adoption.](#)

[Sec. 17-7. Same--Effect of adoption; effect of disapproval.](#)

Sec. 17-1. City planning commission--Created; membership.

A city planning commission is hereby created and established and shall consist of five members, who shall be appointed by the governing body. All members of the commission shall serve with such compensation, if any, as established by the governing body and none of said appointed members shall hold any other elective office or position in the city or county. The term for the appointed member shall be three years beginning on July 1 of the year of appointment and ending June 30 three years thereafter. Any vacancy in any appointed membership shall be filled for the unexpired term, by the governing body, which shall also have the authority to remove any member for cause stated in writing. The mayor shall serve as an ex officio member of the planning commission. The city attorney shall provide such legal advise as may be requested by said planning commission.

(Code 1962, § 2-61; Ord. of 7-26-76, § 1; Ord. of 4-25-83, § 1; Ord. of 10-27-86, § 1)

State law references: Municipal authority to create a planning commission, levy tax therefor, Miss. Code 1972, § 17-1-11.

Sec. 17-2. Same--Organization; rules; staff; finances.

The planning commission shall elect its chairman, vice-chairman, and secretary from among the appointive members. The term of the chairman, vice-chairman and secretary shall be one year with eligibility for re-election. The commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. The commission may appoint such employees and staff as it may deem necessary for its work, and may contract with city planners and other consultants for such services as it may require or establish. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated and/or authorized by the governing body of the city and board of supervisors, state agencies and federal agencies, and all salaries paid shall be subject to the final approval and order of the governing body of the city and the county board of supervisors of the county.

(Code 1962, § 2-62)

Sec. 17-3. Same--Powers and duties.

The planning commission shall have power to:

- (1) Make, amend, extend and add to the master plan for the physical development of the city including any areas outside its boundaries which, in the commission's judgment, bear relation to the planning of the city;

- (2) Exercise control over platting or subdividing land within the city or within three miles thereof; provided, however, that said control shall not apply to land outside the city over which platting or subdivision control is reposed by law in some authority other than this city, or any of its offices, departments or agencies. "Subdivision" means the division of a lot, tract or parcel of land into two or more lots, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development;
- (3) Draft for the governing body an official map of the city and recommend or disapprove proposed changes in such map, on which shall be shown and indicated:
 - (a) All public streets existing and established by law at the time of the establishment of the official map;
 - (b) All planned streets or street lines as located on plats adopted by the governing body at the time of establishment of the map;
 - (c) All streets or street lines as located on final or recorded plats of subdivisions approved by the planning commission at the time of the establishment of the map. The placing of any street or street lines upon the official map shall not, in and of itself, constitute or be deemed to constitute the opening or establishment of any street nor the taking or acceptance of any land for street purposes;
- (4) Make and adopt a zoning plan for regulation, height, bulk and size of buildings and other structures, the size of yards, courts and other open spaces, the density of population and the uses of buildings, structures and land for trade, industry, business, residence or other purposes and recommend or disapprove proposed changes in such plan;
- (5) Make and adopt plans for the clearance and rebuilding of slum districts and blighted areas within the planning area;
- (6) Promote public interest in and understanding of the master plan and of planning, zoning and slum clearance;
- (7) Require information which shall be furnished within a reasonable length of time from the departments of the city government and the county government in relation to its work;
- (8) Within its budget appropriations contract with city planners and agencies and other consultants for such services as it may require;
- (9) In the performance of its functions, enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon;
- (10) Make and adopt a plan for replanning, reconstruction, or redevelopment of any area or district which may be destroyed in whole or in part or seriously damaged by fire, earthquake, flood or other disaster.
- (11) In general, have such powers as may be necessary to enable it to perform its functions and promote municipal planning.

(Code 1962, § 2-63)

Cross references: Approval of location of mobile home, etc., 6-26; duties as to airport zoning, § 3-26.

State law references: Municipal authority to regulate pursuant to a comprehensive plan, Miss. Code 1972, § 17-1-9.

Sec. 17-4. Same--Approval, etc. of acts by city and county.

The governing body of the city and/or the county board of supervisors may approve, adopt, amend and enforce the adopted proposals of the planning commission, in whole or in part, after

a public hearing thereon as provided by section 17-1-15 of the Mississippi Code of 1972.
(Code 1962, § 2-67)

Sec. 17-5. Master plan--Scope.

In the preparation of the master plan, the commission shall make careful and comprehensive surveys and studies of the existing conditions and the probable future growth of the city and its environs. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the city which will, in accordance with the existing and future needs, best promote public health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development.

(Code 1962, § 2-64)

Sec. 17-6. Same--Adoption.

The planning commission may adopt the master plan as a whole by a single resolution, or may by successive resolutions adopt successive parts of the plan, said parts corresponding to geographical sections of the city or to functional divisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. The adoption of the plan or any part, amendment or addition, shall be by resolution carried by the affirmative vote of not less than a majority of all the members of the commission. The resolution shall refer expressly to the maps, descriptive matter and other matters intended by the commission to form the whole or part of the plan and the action taken shall be recorded on the adopted plan or part thereof by the identifying signatures of the chairman and secretary of the commission, and copies of the plan or part thereof shall be certified to the governing body of the city and the county board of supervisors.

(Code 1962, § 2-65)

Sec. 17-7. Same--Effect of adoption; effect of disapproval.

When the commission shall have adopted the master plan of the city or any part thereof, prior to the final approval and adoption thereof by the governing body, no street, park or other public way, public ground, public place or public space, public buildings or public structure, or public utility, whether publicly or privately owned, shall be constructed or authorized in the planning area at variance with said plan or part thereof until and unless the location and extent thereof shall have been submitted to and approved by the planning commission; provided that in case of disapproval the commission shall communicate its reasons to the governing body of the city and/or county board of supervisors, and the governing body of the city or the county board of supervisors, as appropriate, shall have the power to overrule such disapproval and, upon such overruling, the appropriate board, officer or agency shall have the power to proceed. The widening, narrowing, relocation, vacation or change in the use of any street or other public way or ground or the sale of any public building or real property during said interim period shall be subject to similar submission and approval, and failure to approve may be similarly overruled by the appropriate board. The failure of the commission to act within 30 days after the date of official submission to the commission shall be deemed approval, unless a longer period be granted by the governing body of the city, the county board of supervisors or the submitting official.

(Code 1962, § 2-66)

Chapter 18 STREETS, SIDEWALKS AND OTHER PUBLIC WAYS*

*Charter references: Municipal authority as to streets, sidewalks, §§ 14(1), (2), (9), (13), (14), (26), 18, 20, 66.

Cross references: For definition of street, sidewalk, see § 1-2; vendors stands prohibited on city streets, § 14-31; loafing about streets prohibited, § 15-4; traffic regulations, Ch. 21;

accumulations of weeds, garbage, refuse prohibited, § 13-20 et seq.; placing trash on streets, sidewalks prohibited, § 13-21; obstructing pedestrian passage, § 15-5.

State law references: Statutory procedure regarding municipal construction of improvements, notice, hearing, assessment, etc., Miss. Code 1972, § 21-41-1 et seq.

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Article II. Numbering of Buildings

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Article III. Sidewalk and Gutter Construction and Maintenance

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ARTICLE I. IN GENERAL

Sec. 18-1. Street names--System established.

There is hereby established an official system of street names in the city as shown on the map entitled "Property Numbering Map and Map of Yazoo City and Surrounding Urban Region dated February, 1961" as produced by the city planning commission, a copy of which is on file in the office of the city clerk and by reference made a part hereof as recorded in the minute book. (Code 1962, § 18-80; Ord. of 2-25-63, § 1)

Cross references: Directional designations, § 18-21.

Sec. 18-2. Same--Changing; renaming.

- (a) The governing body by ordinance may change, rename or name an existing or newly established street within the city at any time upon receipt of recommendation of the planning commission appertaining thereto, and after consultation with any other governmental agency directly affected thereby.
- (b) Names of streets in the city shall remain as shown on said map unless officially changed by specific ordinance passed subsequently.

(Code 1962, § 18-82; Ord. of 2-25-63, § 2)

Sec. 18-3. Same--New streets; prerequisites to acceptance and to installing municipal improvements.

No new streets shall be accepted by the city, nor shall municipal improvements be made therein, until such streets have been named; if they are extensions of existing streets, the existing streets, the existing names shall be continued, and if not extensions, names recorded shall not duplicate or closely approximate street names already assigned.

(Ord. of 2-25-63, § 3)

Sec. 18-4. Same--In subdivisions.

- (a) Every subdivision plat submitted to the planning commission for approval shall show the proper names of all streets. These street designations shall be approved by the planning commission before such new streets are officially named.
- (b) For the purpose of assigning street names in new subdivisions, the area in subsection (1) following is designated a neighborhood and shall be assigned street names, all of which shall belong to a single category to be selected from a list approved by the governing body or its authorized representative; and, further, the governing body hereby signifies its intent to require similar assignment of street names to the neighborhoods in subsections (2) through (7) following when and if they are included in the corporate area of the city:
 - (1) *Neighborhood No. 1: East of U.S. Highway 49 E and north of Grabball Road.*
 - (2) *Neighborhood No. 2: East of U.S. Highway 49 E, south of Grabball Road and north of Muse Street extended.*
 - (3) *Neighborhood No. 3: East of U.S. Highway 49 E, north of Mississippi State Highway 16 and south of Muse Street extended.*
 - (4) *Neighborhood No. 4: East of U.S. Highway 49 and south of Mississippi State Highway 16.*
 - (5) *Neighborhood No. 5: South of U.S. Highway 49 W, west of U.S. Highway 49 and east of Woodland Drive.*
 - (6) *Neighborhood No. 6: West of Woodland Drive, east of Ridge Road and south of the city limits line of February 25, 1963.*
 - (7) *Neighborhood No. 7: South of Lake Yazoo and the Yazoo River and west of Ridge Road.*

(Code 1962, § 18-81; Ord. of 2-25-63, § 4)

Sec. 18-5. Storing property in streets--Prohibited.

It shall be unlawful for any person to occupy any part of any street, sidewalk or other public way of the city by storing thereon any property or other thing.

(Code 1962, § 18-2)

Cross references: Abandoned property, §§ 13-35 et seq., 21-70 et seq.; duty of owner to dispose of accumulations of garbage, trash, refuse, § 13-21; removal of weeds, § 13-25; obstructing pedestrian traffic, § 15-5.

Sec. 18-6. Same--Removal required; time for compliance.

It shall be unlawful for any person occupying any part of any street, sidewalk or other public way of the city by storing or leaving or permitting to remain thereon any property or other thing, to fail or refuse to remove the same after five day's notice in writing from the mayor so to do.
(Code 1962, § 18-3)

Sec. 18-7. Excavations, etc.--Permit required; protection of underground pipelines.

- (a) It shall be unlawful for any person to make or cause to be made any excavation or opening in any street, avenue, highway, bridge, lane, alley, sidewalk, public ground or other public place within the city, without first obtaining from the city a written permit so to do, issued by authority of the governing body.
- (b) It shall be unlawful for any person or other entity or any branch or department of the city to perform any work on or under the surface of the right-of-way of any dedicated street as now laid out within the city or any street which may be dedicated to the city in the future without first having submitted a plan for the proposed work to the city engineer and having received his approval thereon within two working days thereafter. The word "street" includes any public way mentioned in subsection (a).
- (c) Any party mentioned in subsection (b) in the performance of such work as described in said subsection shall abide by all ordinances of the city and rules and regulations of the engineering department in the performance of such work. In cases of emergency where such work must be performed at a time when the engineering department is not open to the general public, the work shall proceed and the application for permission for the performance thereof shall be made to the city engineer within 48 hours after the commencement of said work.
- (d) The city shall not charge any fees of any kind as a prerequisite to the obtaining of permission to do any work covered by the provisions of this section.
- (e) The city engineer is hereby authorized to promulgate, with the approval of the city council, rules and regulations for the implementation of this section, which rules and regulations shall have the effect of law.
- (f) Any person who owns, operates, or maintains any pipeline for the transportation or distribution of natural gas, petroleum, petroleum products or other hazardous gases or liquids (hereinafter called "utility operator") located under the surface of the right-of-way of any dedicated street as now laid out within the city or any street which may be dedicated to the city in the future shall maintain in the office of the city engineer a map of its pipeline system within the city. Each person or any branch or department of the city making application for approval to work on or under the surface of any right-of-way as above set out shall check said map and notify any utility operator with pipelines in the area of his work. The utility, upon receiving such advance notification, shall, within the two days allowed for approval by the city engineer, make investigation to determine the location of its pipelines in the area of the proposed work and mark by some reasonable and customary means the location of pipelines in or near the area of work so as to enable the person engaged in the work to locate the pipeline in advance of and during the work, or shall advise that marking is not necessary.

(Code 1962, § 18-4; Ord. of 7-10-78, §§ 1--5)

Sec. 18-8. Same--Work to be promptly completed.

It shall be the duty of any person making any excavation or opening in any street, avenue, highway, bridge, lane, alley, sidewalk, public ground and other public place within the city, under and by virtue of a permit issued therefor, to promptly complete the work in pursuance of which excavation or opening may have been made, and to promptly restore such street, avenue, highway, bridge, lane, alley, sidewalk, public ground or other public place to good condition as

prevailed prior to the making of such opening or excavation.

(Code 1962, § 18-5)

Sec. 18-9. Same--Barricades, lights required.

Any person making any excavation or opening in any such public way or place shall place substantial barricades entirely around said excavation or opening when the work is left, so as to protect and warn pedestrians and vehicles with respect to the danger of said excavation or opening, and shall at all times from dusk to dawn place and maintain in addition to said barricades red lights upon all sides of said excavation or opening so as to be visible to pedestrians or approaching vehicles from any direction.

(Code 1962, § 18-6)

State law references: Municipal authority to require erection of barriers, Miss. Code 1972, § 21-19-27.

Sec. 18-10. Dangerous awnings.

It shall be unlawful for any person to erect or have an awning fronting on any street, alley or sidewalk less than eight feet from the ground or pavement, or which by insecurity or fault in the construction thereof shall endanger the lives or limbs of persons passing under the same.

(Code 1962, § 18-7)

Cross references: Dangerous structures, § 6-40 et seq.

Sec. 18-11. Dangerous signboards.

It shall be unlawful for any person to erect, have or maintain any signboard over any street or sidewalk hung less than eight feet from the ground or pavement, or have it hung in such manner as to endanger the lives or limbs of persons passing under the same.

(Code 1962, § 18-8)

Cross references: Dangerous structures, § 6-40 et seq.

Sec. 18-12. Swinging signs on Main Street.

It shall be unlawful for any owner, lessee or occupant of any building on Main Street to erect, have, maintain or permit any hanging or swinging sign, or similar sign of any kind that extends over said street or sidewalk, or to fail to remove any such sign within 48 hours after being notified so to do by the mayor, marshal or any policeman.

(Code 1962, § 18-9)

Sec. 18-13. Construction of culverts, etc.--Permission required.

It shall be unlawful for any person to place or install in any street, alley, curb, gutter, drainage ditch or drainage structure in the city or to maintain therein any culvert, drainage pipe or drain or roads or driveways over the same, without first having applied to the city street superintendent in writing and having received permission so to do in writing from him wherein the specifications and requirements thereof are set forth.

(Ord. of 5-13-68, § 1)

Sec. 18-14. Same--Authorized installation.

All culverts, drainage pipes or drains placed in any street, alley, curb, gutter, drainage ditch or drainage structure in the city shall be placed therein only in accordance with the specifications and requirements of the street superintendent, or by the city through its employees, engineers, or contractors employed therefor.

(Ord. of 5-13-68, § 2)

Sec. 18-15. Gutters, waterspouts--Location.

All gutters, culverts, water pipes and spouts, conducting water from yards and grounds, and from the roofs of houses and tenements thereon, into the public streets or alleys, or elsewhere in the city, shall be so constructed or altered so as to prevent the water therein from falling or discharging on or across any pavement, sidewalk, or footway, or from falling on or

against any adjoining or adjacent roof or wall, side or end of any house in the city, or the ground on which the same may be located.

(Code 1962, § 18-12)

Sec. 18-16. Same--Duty of owner, occupant; penalty.

It shall be the duty of every owner or occupant of any house or lot in the city, to so construct or alter the gutters, culverts, waterpipes and spouts on any such house or lot, as to conform in all respects to the requirements of section 18-15, and all such conduits not conforming to the requirements of said section are hereby declared to be nuisances, and any such owner or occupant failing or refusing so to alter or construct said conduits as hereinbefore provided after being notified by the city so to do, shall on conviction thereof be punished as provided in section 1-8; provided, however, such person shall be allowed a reasonable time, to be adjudged by the mayor and to be not less than five days, in which to make the required alteration or construction.

(Code 1962, § 18-13)

Secs. 18-17--18-19. Reserved.

ARTICLE II. NUMBERING OF BUILDINGS

Sec. 18-20. Uniform system of numbering established.

A uniform system is hereby established for numbering buildings fronting on all streets and other public ways in the city, and all houses and other buildings shall be numbered in accordance with the provisions of this article.

(Code 1962, § 18-71)

Sec. 18-20.1. Base lines.

- (a) *Eastern and western parts of city: The following line shall constitute the base line which will divide the city into eastern and western parts: North Main Street, Champlin Avenue to Lamar Avenue, Lamar Avenue and Sidney Avenue to 15th Street, Gordon Avenue north of 15th Street, South Main Street to West Alley, and Mississippi Highway 3 from West Alley westerly and southerly to the city limits line. Hereafter streets east of this base line and running in a generally easterly-westerly direction shall be considered "east" streets and streets west of this line and running in a generally easterly-westerly direction shall be considered "west" streets. Each building east of the base line described in the subsection (a) and facing a street running in an easterly direction shall carry a number and address indicating its location east of said base line. Each building west of the base line described in this subsection (a) facing a street running in a westerly direction shall carry a number and address indicating its location west of said base line.*
- (b) *Southern part of city: In the southern part of the city Broadway Street and U.S. Highway 49 W shall constitute the base line which divides the southern part of the city from the rest of the city. Hereafter streets south of this base line and running in a generally northerly-southerly direction shall be considered "south" streets and streets north of Broadway running in a generally northerly-southerly direction shall be considered "north" streets. Each building south of said base line described in the subsection (b) and facing a street running in a southerly direction shall carry a number and address indicating its location south of said base line.*
- (c) *Northern part of city: In the northern part of the city the following line shall constitute the base line which will divide the northern part of the city from the rest of the city: West Broadway Street from the west city limits line to a point on the Lintonia Canal drainage channel approximately 815 feet westerly from the west line of Water Street; thence northeasterly, southeasterly and easterly along the Lintonia Canal drainage channel to a point 363 feet east of the east line of George Street; thence south along a line parallel to and*

approximately 150 feet east of the east line of Pierce and Battle Streets to East Broadway Street (U.S. Highway 49 W); thence along East Broadway Street (U.S. Highway 49 W) to the city limits line; provided, however, Broadway Street shall constitute the base line which divides the southern part of the city from that portion of the city contained within the following boundaries: Beginning at a point on the Lintonia Canal drainage channel approximately 815 feet westerly from the west line of Water Street; thence northeasterly, southeasterly, and easterly along the Lintonia Canal drainage channel to a point 365 feet east of the east line of George Street; thence south along a line parallel to and approximately 150 feet of the east line of Pierce and Battle Streets to Broadway Street (Highway 49 W); thence along Broadway Street to the point of beginning. Each building north of the particular base line described in this subdivision (c) and facing a street running in a northerly direction shall carry a number and address indicating its location north of said base line.

- (d) *Diagonal streets: All buildings on diagonal streets shall be numbered the same as buildings on northerly and southerly streets if the diagonal runs more from the north to the south and the same rule shall apply on easterly and westerly streets if the diagonal runs more from the east to the west.*

(Code 1962, § 18-72)

Sec. 18-21. Directional designations for streets crossing base line.

In addition to the numbers placed on each house or other building as heretofore provided, all streets and other public ways which cross a base line and retain the same street name are hereby given the following directional designations:

- (1) *North of east-west base line: All such streets north of the east-west base line and running in a generally northerly direction are given the direction "North" as part of the street name.*
- (2) *South of east-west base line: All such streets south of the east-west base line and running in a generally southerly direction are given the direction "South" as part of the street name.*
- (4) *East of north-south base line: All such streets east of the north-south base line and running in an easterly direction are given the direction "East" as part of the street name.*
- (5) *West of north-south base line: All such streets west of the north-south base line and running in a westerly direction are given the direction "West" as part of the street name.*

(Code 1962, § 18-75)

Sec. 18-22. Plat book.

For the purpose of facilitating correct numbering, a plat book of all streets and other public ways within the city showing the proper numbers of all houses or other buildings fronting upon all streets and other public ways shall be kept on file in the office of the building inspector. These plats shall be open for inspection of all persons during the office hours of the building inspector.

(Code 1962, § 18-77)

Sec. 18-23. Manner of numbering buildings--Generally.

- (a) *Assignment of numbers within existing city limits: The numbering of buildings on each street shall begin at the base line. Within the city limits as they existed on September 10, 1962, south of 19th Street and west of U.S. Highway 49 E, all numbers shall be assigned on the basis of one number for each 20 feet of frontage along the street. North of 19th Street and*

east of Highway 49 E all numbers shall be assigned on the basis of one number for each 30 feet of frontage along the street. Grid lines, as shown on the property numbering map, on file in the office of the city clerk, indicate the point at which numbers will change from a certain hundred category to the next higher hundred category. All buildings on the south side of east streets and the east side of north streets shall bear even numbers; and all buildings on the north side of west streets and the west side of south streets shall bear even numbers. All buildings on the south side of west streets and the east side of south streets shall bear odd numbers; and all buildings on the north side of east streets and the west side of north streets shall bear odd numbers.

- (b) *Assignment of numbers in new territory: For all territory which may be added to the city after September 10, 1962, all property numbers shall be assigned on the basis of one number for each 30 foot interval of frontage along the street.*
- (c) *Multiple entrances: Where any building has more than one entrance serving separate occupants, a separate number shall be assigned to each entrance serving an occupant. A building shall be assigned the number of the 20 foot interval or 30 foot interval in which the main entrance of the building falls. In measuring the 20 foot intervals of street frontage, if the main entrance of the building falls exactly upon the line which divides a 20 foot interval from the next higher interval, either the number of the lower interval or the number of the next higher interval will be assigned to that entrance. In measuring the 30 foot intervals, if the main entrance of the building falls exactly upon the line which divides a 30 foot interval from the next higher interval, either the number of the lower interval or the number of the next higher interval will be assigned to that entrance.*
- (d) *Multiple family dwellings: housing projects: A multiple family dwelling having only one main entrance shall be assigned only one number, and separate apartments in the building will carry a letter designation such as "A", "B", "C", in addition to the number assigned to the main entrance of the building; provided however, upon approval of the postmaster, housing projects may be assigned a building number for the office only with buildings within the project being assigned letter designations, and apartments in each building assigned a number. For example, a housing project may be assigned a number such as 200 East 11th Street, and apartment number 1 in Building A would then carry the number 200-A-1.*
- (e) *Duplex houses: Duplex houses having two front entrances shall have a separate number for each entrance. In the event that both entrances fall within the same increment, either the preceding number or next highest number shall be used for one entrance number; and the interval number in which the entrances fall shall be used for the other entrance.*

(Code 1962, § 18-73)

Sec. 18-24. Same--Streets not extending through base line.

All buildings facing streets not extending through the base line shall be assigned the same relative numbers as if the streets had extended to the said base line.

(Code 1962, § 18-74)

Sec. 18-25. Application for numbers; duty of building inspector.

When any party applies for the numbers of any lot or property, it shall be the duty of the building inspector to inform said party of the numbers belonging to or embraced within the limits of any said lot or property as provided in this article. In case of conflict as to the proper number to be assigned to any building, the inspector shall determine the number of such building.

(Code 1962, § 18-78)

Sec. 18-26. Placement of numbers--Generally.

- (a) *Assignment; duty to place: There shall be assigned to each house and other residential or commercial building located on any street or other public way in the city, its respective number under the uniform system provided for in this article according to the survey. The owner, occupant or agent shall place or cause to be placed upon each house or building controlled by him the number or numbers assigned under the uniform system as provided in this article.*
- (b) *Maintenance on existing buildings; cost; materials; Such numbers shall be maintained on existing buildings. The numbers shall be supplied by the property owners. The numbers used shall not be less than three inches in height and shall be made of a durable and clearly visible material. If any owner, lessee or occupant shall fail to comply with the provisions of this section, after notice from the city in writing so to do, which notice shall state the number required to be used, he shall be guilty of a misdemeanor.*
- (c) *Location of numbers: The numbers shall be conspicuously placed immediately above, on or at the side of the proper door of each building so that the number can be seen plainly from the street line. Whenever any building is situated more than 50 feet from the street line, the number shall be located near the walk, driveway or common entrance to such building and upon a gate post, fence, tree, post or other appropriate place so as to be easily discernible from the sidewalk.*
- (d) *Proviso for existing buildings: If all other requirements are met, an existing building or house may retain the number which it bore on September 10, 1962 even though its number is not assigned on the basis of one number for each 20 feet of frontage along the street. Such existing building or house may retain such existing number until the governing body or its authorized representative shall deem it in the public interest to designate a new building or house number in accordance with the requirements of this article.*

(Code 1962, §§ 6-7, 18-76)

Sec. 18-27. Same--New buildings.

- (a) *Duty of owner. Whenever any house or other building shall be erected or located in the city, it shall be the duty of the owner to procure the correct number or numbers as designated from the building inspector for said property and to immediately fasten the said numbers so assigned upon said building as provided by this article.*
- (b) *Building permit, final approval to be withheld. No building permit shall be issued for any house or other building until the owner has procured from the building inspector the official number of the premises. Final approval of any building erected, repaired, altered or modified shall be withheld by the building inspector until permanent and proper numbers have been affixed to said building.*

(Code 1962, §§ 6-7, 18-79)

Secs. 18-28, 18-29. Reserved.

ARTICLE III. SIDEWALK AND GUTTER CONSTRUCTION AND MAINTENANCE*

***Cross references: Culvert construction, § 18-13.**

State law references: Statutory authority, procedure regarding municipal construction of gutters, sidewalks, Miss. Code 1972, § 21-41-1 et seq.

Sec. 18-30. Sidewalks to be kept in good repair.

It shall be unlawful for any owner, lessee or occupant of any property to suffer the sidewalk in front of the same to be out of good repair, or to fail to rebuilt or repair the same on five days' notice so to do by the marshal or other lawful officer, to the danger of others.
(Code 1962, § 18-26)

Cross references: Removal of vegetation, § 13-25.

Sec. 18-31. Construction of sidewalks regulated.

The governing body shall prescribe, by order or resolution entered on the minutes, the manner in which sidewalks or pavements shall be laid, and the kind and quality of the materials to be used therein.
(Code 1962, § 18-27)

Sec. 18-32. Sidewalks to incline to street or curb.

All sidewalks hereafter laid, constructed, relaid or repaired, shall decline or slope toward the street or curb, and shall be even with the top of the curbing, such decline or slope not to exceed one-half inch in each foot.
(Code 1962, § 18-28)

Sec. 18-33. Width, slope, decline of sidewalk.

In case the order or resolution of the governing body shall only direct that a sidewalk or pavement be constructed, laid, relaid or repaired, specifying the lot or ground on which such work is to be done and the kind and quality of materials to be used therein, but not specifying the manner in which the work shall be done, the work shall be done so that there shall be a decline or slope towards the street or curbing, bringing to outermost edge of the sidewalk even with the top of the curbing and having the decline or slope not to exceed one-half inch in each foot. The width and grade of said sidewalk shall correspond with that at each end thereof, if any, so as to make the same along the entire front of the square of even and uniform width and slope.
(Code 1962, § 18-29)

Sec. 18-34. Owner to construct, repair sidewalks.

It shall be the duty of all owners of lots or pieces of ground fronting or abutting on any street, alley or line of railroad in the city, to construct, lay and relay, or repair the sidewalks or pavements in front of such lots or pieces of ground, whenever notified by the city so to do, in the manner hereinafter directed.
(Code 1962, § 18-30)

Sec. 18-35. Order to be entered on minutes.

Whenever the governing body shall direct any sidewalk or pavement to be constructed, laid, relaid or repaired, it shall make and enter on its minutes an order or resolution to that effect, describing therein the lot or ground on which such work is to be done, and specifying therein the manner in which the work shall be done and the kind and quality of materials to be used therein.
(Code 1962, § 18-31)

Sec. 18-36. Service of order.

It shall be the duty of the city clerk to make and deliver to the city marshal or chief of police a certified copy of the order described in section 18-35, and said officer shall forthwith serve a true copy thereof on the owner or agent of the lot or ground so ordered to be paved, or on the occupant thereof if no owner or agent can be found in the city; and if there is no occupant then by posting such copy in front of such lot or ground. Said officer shall make return on said certified order of the time and manner in which he executed the same and shall file such order and return with the clerk for preservation.
(Code 1962, § 18-32)

Sec. 18-37. Street superintendent to receive copy of order.

It shall be the duty of the marshal or chief of police to furnish the street superintendent with a true copy of the order which he has served on the owner or agent, or posted as provided in

section 18-36, and the street superintendent's duty shall be to see that said order is complied with and in default thereof to report same to the mayor.

(Code 1962, § 18-33)

Sec. 18-38. City authorized to do work; cost.

If after the lapse of five whole days after service of the order described in section 18-35, said owner, agent or occupant shall not have commenced the work so ordered to be done, and thereafter completed the same within a reasonable time and in the manner as directed in such order, then it shall be the duty of the city to proceed forthwith to have such work done at the expense of the owner of such lot or ground, and when done, the amount of the cost of such work shall be certified to the city clerk, who shall proceed to collect the same and all costs, in the manner provided in the Charter in such cases, and to pay the same into the city treasury.

(Code 1962, § 18-34)

Sec. 18-39. Improperly laid sidewalks.

All sidewalks or pavements hereafter laid, relaid or repaired, not in accordance with this article and the orders of the governing body shall, when so ordered by it, be taken up and relaid or repaired in accordance therewith at the expense of the owner of the property.

(Code 1962, § 18-35)

Sec. 18-40. Sale of property for nonpayment of assessment; redemption.

All property liable under this article for nonpayment of assessment shall be sold by the collector of taxes of the city as provided by law.

(Code 1962, § 18-36)

Sec. 18-41. Construction of curbs and gutters; cost.

All curb and gutter construction shall be done under the direction and subject to the approval of the street superintendent, who shall act under the advice of the mayor. But the expense of constructing all curbs and gutters along any street, alley or other place, shall be paid for by the city; and no person shall be compelled to pave in front of his lot or ground unless the curbs or gutters in front thereof are constructed or put in good repair, and the governing body shall order and direct in what manner and of what material such curbs and gutters shall be made.

(Code 1962, § 18-37)

Chapter 19 TAXATION*

***Charter references: Authority to levy, collect taxes on property and privileges, § 14(29); taxes which city can levy, § 15; regulating assessing, §§ 16, 17.1; equalization § 17.**

Cross references: Local privilege tax code adopted, § 14-1.

State law references: Municipal authority to levy ad valorem taxes to 15 mils, Miss. Code 1972, § 27-39-307; method of assessment, § 21-33-9; when and how levied, § 21-33-45.

[Sec. 19-1. Taxable property.](#)

[Sec. 19-2. Assessment generally--Form for real property.](#)

[Sec. 19-3. Same--Duties of assessor, taxpayers.](#)

[Sec. 19-4. Same--Affidavit of assessor.](#)

[Sec. 19-5. Same--Refusal, failure to render list.](#)

[Sec. 19-6. Same--Rendering false list.](#)

[Sec. 19-7. Assessment rolls--Time for completion; equalization; hearings.](#)

[Sec. 19-8. Same--Extension of time for completion, equalization.](#)

[Sec. 19-9. Same--Failure to complete rolls.](#)

[Sec. 19-10. Date tax lien attaches.](#)

[Sec. 19-11. Collection of taxes; damages for delinquent taxes.](#)

[Sec. 19-12. Taxes on unassessed property.](#)

[Sec. 19-13. Receipt for tax paid; receipt book.](#)
[Sec. 19-14. Personal property assessment--Form.](#)
[Sec. 19-15. Same--Oath of taxpayer.](#)
[Sec. 19-16. Disposition of damages received on personal property taxes.](#)
[Sec. 19-17. Tax sale of personal property.](#)
[Sec. 19-18. Sale of land for taxes--Authorized; procedure.](#)
[Sec. 19-19. Same--Dates for sale; postponement.](#)
[Sec. 19-20. Same--Purchaser liable for bid.](#)
[Sec. 19-21. Same--Redemption.](#)
[Sec. 19-22. Same--Form of conveyance.](#)
[Sec. 19-23. Same--Special sales.](#)
[Sec. 19-24. Land purchased by city at tax sale--Sale authorized; price.](#)
[Sec. 19-25. Same--Form of conveyance.](#)
[Sec. 19-26. Limited tax exemption for new construction and renovation in central business district.](#)

Sec. 19-1. Taxable property.

The taxable property subject to assessment shall be that owned, possessed by or in charge of the taxpayer on the first day of January of the year in which such assessment is made. (Code 1962, § 20-12)

State law references: Similar provision, Miss. Code 1972, § 21-33-1.

Sec. 19-2. Assessment generally--Form for real property.

The assessment of realty shall be made in a book, properly headed and ruled for the purpose, and shall show an enumeration of the taxable realty of each taxpayer, and its value in the following order: Real estate shall be described by number of lot or otherwise, and each lot or part of lot shall be valued and assessed separately, and placed in the book in regular order of number of lots.

(Code 1962, § 20-13)

Sec. 19-3. Same--Duties of assessor, taxpayers.

The assessor shall call upon each taxable inhabitant of the city for a list of his taxable property, either in person or by leaving at his usual place of residence or business one of each of the blank lists above mentioned, whereupon said inhabitant is required to make out and deliver to said assessor a true list of all his taxable property with the value of each article, specifying all the taxable property of which he was possessed on the first day of January preceding, either in right of himself or his spouse, or as executor, administrator, guardian or agent of any person for whom he ought to render such list.

Such list shall be sworn to by the person rendering the same, which oath said assessor is required to administer; and all such lists shall be made out, sworn to and returned to said assessor before the first day of April of each year.

It is hereby made the duty of such assessor to report all neglects or refusals to make out such lists to the mayor, and to prosecute all such defaulters in the police court.

Said assessor shall report to the governing body all articles of taxable property, which, in his judgment, have been over or under assessed in value, with his reason therefor, at the time he submits the assessment rolls to it for correction of errors and the equalization of values therein.

Said assessor shall value and assess all taxable property belonging to nonresidents, and to all others who fail or refuse to render him sworn lists thereof, according to the best of his judgment.

(Code 1962, § 20-14)

State law references: For requirement that list be filled out, executed and sworn to, Miss. Code 1972, § 27-35-21.

Sec. 19-4. Same--Affidavit of assessor.

On or before the first day of April of each year the assessor shall complete the personal and realty assessment rolls of the city, and shall append thereto his affidavit that he has faithfully

endeavored to ascertain and assess all property in said city liable to taxation, that he has not omitted to assess any property or thing through favor or partiality, and that he has administered the oath required in every case, where it was in his power to do so.

(Code 1962, § 20-15)

Sec. 19-5. Same--Refusal, failure to render list.

If any taxpayer shall refuse or wilfully neglect to deliver a list of his taxable property as required by law to the assessor under oath or affirmation when required, he shall be guilty of a misdemeanor.

(Code 1962, § 20-16)

State law references: Duty of taxpayer to furnish list, Miss. Code 1972, § 27-35-23.

Sec. 19-6. Same--Rendering false list.

If any taxpayer shall wilfully render to the assessor for taxation a false list of his taxable property, or shall so render a list which does not contain the whole of his property liable to be listed or taxed, or shall wilfully undervalue the property so listed, he shall be liable to prosecution for fraud on the assessment.

(Code 1962, § 20-17)

Sec. 19-7. Assessment rolls--Time for completion; equalization; hearings.

The assessor shall complete and return the assessment roll or rolls to the governing body, filing the same with the city clerk on or before the second Monday of July of the year in which the assessment is made, and as soon as practicable after the regular meeting of the governing body, convening on said second Monday of July, it shall meet and sit from day to day if necessary, and carefully examine said roll or rolls, correct all errors therein and equalize the value of all property listed therein, completing such equalization at least ten days before the meeting of the governing body on the second Monday of August following. Upon the completion of such equalization the governing body shall immediately by newspaper publication notify the public that such roll or rolls so equalized are ready for inspection and examination.

At said August meeting any person dissatisfied with his assessment may make objection thereto orally or in writing, and the governing body shall hear and adjust the same according to the right and justice of the case.

When all errors are corrected and equalization in values made, the governing body shall approve and adopt said roll or rolls, which approval and adoption shall be final and conclusive as to the assessments therein contained; and thereupon, or as soon thereafter as practicable, it shall proceed to make the annual levy of taxes for the use of the city, for the public schools and for special purposes as provided by law, and it shall be the duty of the city tax collector to collect the same.

(Code 1962, § 20-18)

State law references: Duty of city to revise, correct assessment rolls, Miss. Code 1972, § 21-33-27; duty to give notice, hear objections, § 21-33-37; duty to equalize assessments, § 21-33-29.

Sec. 19-8. Same--Extension of time for completion, equalization.

The governing body may at any time, by order entered on its minutes at any regular or special meeting, extend the time for the completion, return and filing of the assessment roll or rolls by the assessor, and in the event of such extension may at any time, by order entered on its minutes at any regular or special meeting, fix the time when it shall meet to examine said roll or rolls, correct errors therein and equalize the value of property listed therein, and in the event of such extension may at any time, by order entered on its minutes at any regular or special meeting, fix the time when it shall hear objections to said roll or rolls; provided that after the completion of such equalization, at least ten days' notice by newspaper publications be given the public of the completion of such equalization and of the meeting for the hearing of objections.

(Code 1962, § 20-19)

Sec. 19-9. Same--Failure to complete rolls.

If the assessor shall fail to complete and deliver his assessment rolls, or if the same shall not when delivered, be approved by the governing body for any cause, it may by resolution appoint some suitable person to make the assessment and return it as speedily as possible, and within such time as it may prescribe; and when such assessment is made and returned, the governing body shall proceed to correct errors and equalize values of property therein, as speedily as possible, and fix the time within which such taxes shall be collected and all property delinquent therefor shall be sold.

(Code 1962, § 20-20)

Sec. 19-10. Date tax lien attaches.

The lien for taxes shall affix on the first day of January of the year in which the assessment is made.

(Code 1962, § 20-21)

State law references: Tax lien attaches January first of year in which assessment is made, Miss. Code 1972, § 27-35-1.

Sec. 19-11. Collection of taxes; damages for delinquent taxes.

On the second day of February of each year the collector shall proceed to collect the taxes levied by the governing body; and it shall be the duty of all persons to pay their taxes to the collector by or before the first day of February of each year; and from and after that date the collector shall add and collect damages at the rate of ten percent on the amount of taxes delinquent, which damages shall go to the collector, to be paid over in accordance with section 19-16.

(Code 1962, § 20-22)

State law references: Municipal ad valorem taxes are due as prescribed at Miss. Code 1972, § 27-41-1.

Sec. 19-12. Taxes on unassessed property.

The tax collector shall assess and collect taxes on all taxable property left unassessed, and he shall report under oath to the governing body a true schedule statement of all such additional assessments and collections made by him.

(Code 1962, § 20-23)

Sec. 19-13. Receipt for tax paid; receipt book.

The tax collector shall cause to be printed in duplicate in blank form, in a book, a sufficient number of tax receipts, and shall deliver to every one paying taxes a receipt dated, numbered and filled up, showing the amount of tax and by whom paid, each article of property on which taxes are paid, and the percentum of tax levy; and the duplicate of such receipt shall be an exact copy of the one delivered, and shall be left in its place in the book, which book shall be preserved by him and exhibited to the governing body at his annual settlement with it, and shall be open at all times for the inspection of any person interested. Such collector shall keep a cash book in which he shall enter the amounts received by him for taxes, the name of the person paying, date of payment and number of tax receipt given by him, and showing the amounts paid into each of the different funds, which book shall be open at all times for public inspection.

(Code 1962, § 20-24)

State law references: Tax collector to issue receipts, Miss. Code 1972, § 27-33-51.

Sec. 19-14. Personal property assessment--Form.

Personal property assessment shall be made in a book properly headed and ruled for the purpose, and shall show in alphabetical order the names of all persons liable to taxation, and shall enumerate all taxable personal property of each taxpayer and its value in the following order:

- (1) Personal property generally.
- (2) Number of pianos, organs, melodeons.
- (3) Number of watches and clocks.
- (4) Value of jewelry of all kinds.
- (5) Value of gold and silverware of all sorts.
- (6) Number of guns of all kinds over one and the value thereof.
- (7) Number of pistols, bowie knives and sword canes.
- (8) Value of stocks of goods, wares and merchandise on hand.
- (9) Items of office furniture and equipment.
- (10) Items of fixtures, equipment, machinery and tools.

(Code 1962, § 20-25)

Sec. 19-15. Same--Oath of taxpayer.

The assessor shall cause to be printed and delivered to each taxpayer in the city, lists embracing the articles of taxable property enumerated in section 19-14, together with the following oath or affirmation:

"You do solemnly swear (or affirm) that the list of property, with its value as now rendered by you, is a just and true list of all the property and its value in the city, which you are required or ought to render as subject to taxation under the law in your own right, or in that of any person for whom, as agent or otherwise, you should render such list; that you have estimated and valued such property, not at what it might sell for at a forced sale, but at what you would be willing to receive for it if you were making a voluntary sale of the same, so help you God."

_____,
Taxpayer

Sworn to and subscribed before me this _____ day of _____,
19____.

_____,
Assessor and Collector of
Taxes for Yazoo City."
(Code 1962, § 20-26)

State law references: For similar provisions of state law, Miss. Code 1972, § 27-35-23.

Sec. 19-16. Disposition of damages received on personal property taxes.

One-half of the damages of ten percent collected on delinquent taxes on personal property shall go to the general fund of the city and the other one-half shall go to the city tax collector on all such taxes collected by the city tax collector, and to the city marshal on all such taxes collected by the city marshal.

(Code 1962, § 20-27)

Sec. 19-17. Tax sale of personal property.

All taxes on personal property remaining unpaid when due shall be immediately collected by the collector, by distress and sale of any property liable therefor, such sale to be made at the north door of the city hall unless the property is too cumbersome to be moved, when it shall be made where the property is located. Five days' notice of the time and place of the sale shall be given by advertisements or written notices, put up in three public places in said city, one of which shall be said north door of the city hall. On the day and at the place so advertised, said collector shall proceed to sell said property at public auction for cash to the highest bidder, and in addition to the amount of taxes and ten percent damages thereon he shall collect and retain the expenses of removing and keeping the property, and \$1.00 for such seizure and sale. If the property brings more than enough to pay the same, the excess shall be paid over to the former owner and if the owner cannot be found, into the city treasury.

(Code 1962, § 20-28)

Charter references: Provisions as to tax sales, penalties, right of redemption, § 16.

State law references: Procedure for sale of personal property for delinquent taxes thereon, Miss. Code 1972, § 27-41-15.

Sec. 19-18. Sale of land for taxes--Authorized; procedure.

After the fifteenth of February and the fifteenth of August in each year, the tax collector shall advertise all land in the city on which the taxes have not been paid for sale, at the front door of the city hall in said city, on the first Monday in April and the third Monday in September following, such advertisement to be inserted for three weeks in some newspaper published in said city, and to contain a list of the lands to be sold in the order they appear in said assessment roll, in substance as follows:

Name of Owner	Description of land	Amount of tax
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On said first Monday in April or third Monday in September, if the taxes remain unpaid, the collector shall, in front of the north door of the city hall, proceed to sell said lands to pay the amount of taxes due thereon, and all costs, damages and charges, at public auction to the highest bidder for cash, and such sale shall be continued from day to day within the hours for sheriff's sales, until completed. If upon offering the land for sale there is not bid the full amount of taxes, and all costs and charges, the collector shall strike off the same to "Yazoo City." At such sales the collector shall execute conveyances to the purchasers.

(Code 1962, § 20-29)

Charter references: Provisions as to tax sales, penalties, right of redemption, § 16.

State law references: Sale of land for delinquent municipal taxes to be as city prescribes, Miss. Code 1972, §§ 21-33-63, 21-33-65; procedure prescribed, Miss. Code 1972, §§ 27-41-55, 27-41-57.

Sec. 19-19. Same--Dates for sale; postponement.

After the fifteenth day of February and after the fifteenth day of August of each year hereafter the tax collector shall advertise all realty on which all of the taxes due and in arrears have not been paid for sale on the first Monday of April, and the third Monday of September following, as the case may be, and shall on the first Monday of April, and said third Monday of September, as the case may be, if the taxes remain unpaid, proceed to sell at the place and in the manner heretofore provided under the Charter and ordinances of the city said realty to pay the amount of taxes due thereon, together with all interest, fees, penalties and damages accrued thereon; provided, however, the governing body may, by an order spread upon its minutes, postpone the date herein fixed for the sale of realty for delinquent taxes and designate a different date for such sale; and provided further, if any realty liable for delinquent taxes be not sold at the regular time appointed by law for sale, the same may be sold thereafter as provided in such cases under the ordinances of the city.

(Code 1962, § 20-30)

Sec. 19-20. Same--Purchaser liable for bid.

If the purchaser of land at tax sale shall not immediately pay his bid, the collector shall offer the land for sale again, and if no person bids the amount of the taxes and costs, it shall be struck off to the city; but the first purchaser shall be liable for his bid, to be collected by suit in the name of the city, and on the same being paid the collector shall make conveyance to him. If any land shall bring more than the amount due thereon, the excess shall be paid to the former owner, and if the owner cannot be found, into the city treasury.

(Code 1962, § 20-31)

State law references: Statutory provision imposing liability on purchaser for his bid, Miss. Code 1972, § 27-41-73.

Sec. 19-21. Same--Redemption.

- (a) *Time, manner of redemption: As soon as the sales of realty are completed, the tax collector shall make a list of the lands struck off by him to the city and that sold to individuals, specifying the date of sale, to whom assessed, the amount of taxes and damages for which sale was made and to whom sold or struck off, said list to be entered in a book kept by the city clerk for that purpose. The owner or any person for him, or interested therein, within two years from date of sale, may redeem the same by paying the clerk the amount of taxes for which sold, with all costs incident to the sale, and five percent damages on the amount for which sold, and interest on all such taxes and costs at the rate of one percent per month, or any fractional part thereof, from the date of such sale. Upon receipt of such redemption money the clerk shall execute to the person redeeming the land a release of all claim or title of the city or purchaser to such land and he shall enter all such payments in the tax sale book which shall show the amount paid and on what property, the date of payment and by whom paid.*
- (b) *Disposition of redemption money: The redemption money so received shall by said clerk be paid over to those entitled to receive same.*
- (c) *Expiration of redemption period: After the expiration of two years from the date of sale the clerk shall, on demand and receipt of \$1.25 to cover cost of deed and notary fee, execute deeds of conveyance to individuals for lands purchased which have not been redeemed from said sale.*
- (d) *Persons under disability: Infants who have or may hereafter inherit or acquire land by will and persons of unsound mind, whose land may be sold for taxes may redeem their land, from the city or any purchaser from the city, or from any purchaser at such tax sale, at any time within two years after removal of their disabilities, on the terms prescribed for the redemption or for purchase from the city of their lands by others, and on their paying to the person the value of all permanent improvements on such lands made by any claimant of it under the sale for taxes after two years from the date of sale of said land for taxes.*

(Code 1962, § 20-32)

State law references: Redemption, generally, Miss. Code 1972, § 27-45-1 et seq.; applicable to municipal tax sales, § 27-45-11.

Sec. 19-22. Same--Form of conveyance.

Conveyance by the tax collector to purchasers of land sold for taxes shall be in the form or effect following:

TABLE INSET:

"State of Mississippi)	
		Yazoo City
County of Yazoo)	

Be it known that _____, City Clerk for Yazoo City, did on the _____ day of _____, A.D., according to laws, sell the following land, situated in said city and assessed to _____, to wit:

for the taxes assessed thereon for the year A.D. _____, when _____ became the best bidder therefor, at and for the sum of _____ dollars and convey said land to the said _____.

Given under my hand, the _____ day of _____, A.D. _____.

City Clerk."

Such conveyance shall be attested by the seal of Yazoo City and signature shall be acknowledged by a notary public or other official qualified by laws of the state to take acknowledgments.

(Code 1962, § 20-33)

Sec. 19-23. Same--Special sales.

If from any cause any land in the city on which the taxes have not been paid be omitted from the advertised list of lands to be sold for taxes as provided by section 19-18 or be not sold at the time appointed by said section 19-18 the same may thereafter be specially sold, and it shall be the duty of the tax collector to sell the same after giving notice of such special sale by advertisement for three weeks in some newspaper published in the city, the date of such special sale to be designated in said notice by the said tax collector, and all provisions of said section 19-18 except as to the date of sale, shall be applicable to any such special sale made and the said tax collector may make as many such special sales, and at different times, as may be necessary to subject to sale all lands in the city on which the taxes have not been paid as required by law.

(Code 1962, § 20-34)

State law references: For similar provision of state law, Miss. Code 1972, § 21-33-65.

Sec. 19-24. Land purchased by city at tax sale--Sale authorized; price.

After the expiration of two years allowed for redemption, such lands that may have been sold to the city and not redeemed within that time, shall be subject to purchase by any person by paying to the city clerk the amount of taxes for which the same was sold, all costs and charges incident to such sale, all taxes and costs accrued thereon since sale and 15 percent additional on the amount of taxes and all charges for which the same was sold; and upon such payment to the city clerk, the mayor shall execute to the purchaser a conveyance of all title of the city thereto under his hand, duly acknowledged, and attested by the city clerk, the fee for which acknowledgment shall be included on the purchase price of such land, but the governing body may, before the execution and delivery of such conveyance, fix the price and terms of sale for any such lands, and direct a sale and conveyance thereof in accordance with the price and terms so fixed.

(Code 1962, § 20-35)

State law references: Period for redemption of land sold for delinquent taxes, Miss. Code 1972, § 21-33-61; municipal authority to sell land on which period for redemption has expired, § 21-33-75.

Sec. 19-25. Same--Form of conveyance.

Conveyances to purchasers of land previously sold to the city for unpaid taxes and charges thereon may be in substantially the following form:

TABLE INSET:

"State of Mississippi)	
		Yazoo City
County of Yazoo)	

Whereas on the _____ day of _____, 19_____, there was sold to the City of Yazoo City for taxes and charges due said city thereon the following described realty, being described as follows:

And, whereas, _____ desires to purchase the same, and has complied with

the laws and ordinances in such case made and provided, and has paid according to law the sum of \$_____:

NOW, THEREFORE, in consideration of the premises, the said City of Yazoo City does hereby convey and quit claim unto the said _____ the hereinbefore described property, as fully and completely as the same can legally be done, but without any warranty.

In testimony whereof this conveyance is signed for and in behalf of said city by the mayor, attested by the city clerk, and the corporate seal of said city attached.

This _____ day of _____, A.D., 19_____.

Mayor

Attest:

City Clerk

State of Mississippi,
County of Yazoo

This day personally appeared before me, the undersigned authority, the above named _____, who acknowledged that as Mayor of Yazoo City he signed and delivered the foregoing instrument on the day and year therein mentioned.

Given under my hand and official seal this _____ day of _____, A.D., 19_____.
"

(Code 1962, § 20-36)

Sec. 19-26. Limited tax exemption for new construction and renovation in central business district.

- (a) Pursuant to the authority vested in the board of mayor and aldermen of the city by section 17-21-5 of the Mississippi Code of 1972, as amended, it is hereby declared to be the policy of this city that effective January 1, 1994, construction of new structures and renovation of existing structures used for the conduct of business, either retail or wholesale, in the central business district of the city shall be eligible for ad valorem taxation exemption, excluding taxation for school purpose, for the period of seven years; that the extent of the ad valorem taxation exemption shall be equal to the increase of ad valorem taxation increase directly related to and resulting from the new construction or renovation undertaken after January 1, 1994; and that the evaluation directly resulting from the new construction or renovation of existing structures used for the conduct of business for and on behalf of the owner or tenant shall never, of itself, result in a reduction of the assessed evaluation of such property upon which the ad valorem taxation exemption is sought below the assessed evaluation for such property for the tax year next preceding the year in which the ad valorem taxation exemption is sought.
- (b) No consideration for ad valorem taxation exemption under the provisions of this section shall be undertaken until and unless the owner of the property for which such exemption is sought shall have first made a written application for such exemption to the board of mayor and aldermen of this city on a form approved by such board, as well as have provided such other documentation or information as may be required by such board in addition to meeting all other requirements of section 17-21-5 of the Mississippi Code of 1972, as amended.

(Ord. of 4-25-94, § 1)

Editor's note: An ordinance adopted Apr. 25, 1994, did not specifically amend the Code; hence, codification of the substantive provisions in § 1 of said ordinance as § 19-26 was at the discretion of the editor.

Cross references: Buildings and construction, Ch. 6.

Chapter 20 TAXICABS AND OTHER VEHICLES FOR HIRE*

***Charter references:** Authority to fix rates of vehicles for hire, § 14(8).

Cross references: License provisions generally, Ch. 14; parking of trucks, etc., § 21-40 et seq.

State law references: Municipal authority to regulate rates and charges, Miss. Code 1972, § 21-27-121; licensing, permit requirements imposed by city, § 21-27-131 et seq.; definition of taxicab, § 27-19-3(27).

Article I. In General

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[Sec. 20-2. Condition, cleanliness of buses for hire and taxicabs regulated.](#)

[Sec. 20-3. Insurance required of bus for hire and taxicab operators.](#)

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Secs. 20-7--20-15. Reserved.

Article II. Wrecker and Tow Services

[Sec. 20-16. Insurance required.](#)

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ARTICLE I. IN GENERAL

Sec. 20-1. Operator to display sign.

Any person operating a bus for hire, taxicab service, or driving a taxicab on the streets of the city, under license from the city, shall display at all times, while so operating such vehicle, a sign on the side or top of such vehicle, not less than 4 1/2 inches in height, plainly designating such vehicle as a bus for hire, taxi, taxicab, or cab.

(Code 1962, § 23-1; Ord. of 4-28-80, § 1)

Sec. 20-2. Condition, cleanliness of buses for hire and taxicabs regulated.

It shall be unlawful for any person operating a taxicab service or a bus for hire within the city to employ in such service any motor vehicle which is not clean and sanitary and in good mechanical condition and suitable for the comfort, safety and convenience of passengers, and all motor vehicles employed in such service within the city shall be subject to the inspection of city officers at any time; and if on such inspection any motor vehicle employed in such service is found not to be clean and sanitary and in good mechanical condition and suitable for the comfort, safety and convenience of passengers, the same shall on notice from the mayor be suspended from service.

(Code 1962, § 23-2; Ord. of 4-28-80, § 1)

Sec. 20-3. Insurance required of bus for hire and taxicab operators.

- (a) It shall be unlawful for any person operating a bus for hire within the city to have or place in service any motor vehicle unless such person shall first secure a combined single-limit motor vehicle liability policy providing for bodily injury liability and bodily injury uninsured motorist coverage with each coverage having a minimum limit of liability for each accident

in the amount of \$50,000.00.

- (b) It shall be unlawful for any person operating a taxicab service within the city to have or place in service any motor vehicle unless such person shall first secure combined single-limit motor vehicle liability policy providing for bodily injury liability and bodily injury uninsured motorist coverage with each coverage having a minimum limit of liability for each accident in the amount of \$25,000.00.
- (c) Each combined single-limit insurance policy shall provide in its body a provision that the city shall be provided with a copy of any termination notice affecting said policy, not less than ten days prior to the effective date of such termination.

(Code 1962, § 23-3; Ord. of 4-28-80, §§ 1--3)

State law references: Insurance or bond required, Miss. Code 1972, § 21-17-133.

Sec. 20-4. Granting of routes for buses for hire.

- (a) The board of mayor and aldermen of the city shall have the right to grant exclusive or nonexclusive franchises for route of traffic for persons operating buses for hire within the city.
- (b) It shall be unlawful for any person to operate a motor vehicle within the city as a bus for hire without first submitting to and receiving approval by the board of mayor and aldermen an exclusive or nonexclusive franchise for route of travel for a bus for hire.
- (c) The board of mayor and aldermen shall have a right in its sole discretion to designate points along any franchise for route of travel granted by it for a bus to hire as a "bus stop" and appropriately mark such area as a "bus stop" and further to appropriately restrict such bus stop to parking only for such bus for hire.

(Ord. of 4-28-80, §§ 1--3)

Sec. 20-5. Licensing of bus for hire and taxicab operators.

- (a) It shall be unlawful for any person to operate a motor vehicle within the city as a bus for hire or a taxicab service without first meeting the requirements for licensing as set out in subsection (b) hereof and receiving a license and badge from the clerk of said city.
- (b) The clerk of the city shall not issue a license and badge to any applicant for the purpose of operating a bus for hire or a taxicab within the city without the applicant first presenting proof to said clerk that:
 - (1) The applicant possesses a current valid Mississippi commercial driver's license, and
 - (2) The motor vehicle to be operated as a bus for hire meets all requirements set out in sections 20-1, 20-2, 20-3 and 20-4 of this Code and that the motor vehicle to be operated as a taxicab meets all requirements set out in sections 20-1, 20-2 and 20-3 of this Code.
 - (3) Filing with and approval by board of mayor and aldermen of the designated route or routes of travel for a bus for hire.

(Ord. of 4-28-80, §§ 1, 2)

Sec. 20-6. Penalty for violation of sections 20-1 through 20-5.

Any person who shall be found guilty of a violating any provision of sections 20-1, 20-2, 20-3, 20-4 and 20-5 hereinabove set forth, shall be deemed to be guilty of a misdemeanor and fined not less than \$25.00 nor more than \$250.00 for any such offense. Each day of a violation of any of the aforesaid sections shall constitute a separate violation and such violator shall be subject to a separate charge for each such day.

(Ord. of 4-28-80, § 1)

Secs. 20-7--20-15. Reserved.

ARTICLE II. WRECKER AND TOW SERVICES*

***Editor's note: Ord. of Dec. 8, 1980, did not expressly amend this Code, hence inclusion of §§ 1--5 herein as Art. II, §§ 20-16--20-19, was at the discretion of the editors.**

Sec. 20-16. Insurance required.

- (a) It shall be unlawful for any person operating a wrecker or tow service for hire within the city to have or place in service any motor vehicle unless such person shall first secure motor vehicle liability insurance on said motor vehicle, including but not limited to coverage for bodily injury liability, bodily injury uninsured motorist coverage, collision and damage liability and uninsured motorist coverage, with each coverage having a minimum limit of liability for each accident in amount of \$100,000.00.
 - (b) Each motor vehicle liability policy shall provide in its body a provision that the City of Yazoo City shall be provided with a copy of any termination notice affecting said policy, said notice to be delivered not less than ten days prior to the effective date of such cancellation.
- (Ord. of 12-8-80, §§ 1, 2; Ord. of 3-28-2005)

Sec. 20-17. Prerequisites to issuance of permit or license.

The clerk of the city shall not issue a license or permit to any applicant for the purpose of operating a wrecker or tow service within the city without the applicant first presenting proof to said clerk that:

- (1) The applicant meets the requirements set out in section 20-16 above; and
- (2) The applicant possesses a current, valid Mississippi commercial driver's license.

(Ord. of 12-8-80, § 3)

Sec. 20-18. Police department designated as official agency for dispatch of wrecker and tow services; promulgation of rules and regulations.

The city police department is hereby designated as the official agency for the call and dispatch of wrecker and tow services on behalf of the city or any department thereof, and said police department acting through its chief is hereby authorized and empowered to adopt, enact and enforce such uniform rules and regulations reasonable and necessary to provide standards for the operation of the city-utilized wrecker and tow services. Such rules and regulations shall include, but not be limited to fees for wrecker or tow services, storage and other miscellaneous items, requirements for storage facilities, hours of service, rules of liability for tow and wrecker service liabilities and penalties for failure to comply with any of the rules and regulations promulgated by said police chief.

(Ord. of 12-8-80, § 4)

Sec. 20-19. Wrecker services to be dispatched on rotating basis.

When requested by an owner or operator a motor vehicle without a preference, or when deemed necessary by any department of the city, the city police department shall dispatch wrecker services on a rotating basis system. Said system shall consist of all persons operating a tow or wrecker service wholly or partly within said city, who shall comply with the rules and regulations promulgated by the chief of the city police department, so long as said person shall be in compliance with such standards and rules and regulations.

(Ord. of 12-8-80, § 5)

Chapter 21 TRAFFIC*

***Charter references: Authority to regulate operation of vehicles, § 14(9).**

Cross references: Noise from vehicles, § 13-12(1), (8), (9), (14), (15); obstructing pedestrian traffic, § 15-5; duty of police to prevent obstructions in streets, § 16-53(b).

State law references: Municipal authority to adopt traffic regulations, Miss. Code 1972,

§§ 63-3-209, 63-3-211; state misdemeanors constitute ordinance violations, § 21-13-19.

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ARTICLE I. IN GENERAL

Sec. 21-1. Operator's license.

It shall be unlawful for any person to operate a motor vehicle, on any street of the city unless such person be eligible for an operator's license under the laws of the state and shall have in his actual and immediate possession while in the act of driving, an operator's license duly issued to him as required by the laws of the state.

(Code 1962, § 21-1)

State law references: For such requirement, see Miss. Code 1972, § 63-1-5.

Sec. 21-2. Vehicle licenses and tags.

- (a) *Licenses, tags required. All motor vehicles using the public streets of the city shall be properly licensed and tagged as required by the statutes of the state.*
- (b) *Impounding untagged vehicles. Any motor vehicle parked upon the public streets of the city without bearing thereon a proper license tag so that said motor vehicle may be identified thereby may be removed from such streets by the police department and impounded until the ownership thereof has been determined, the removal thereof to be at the expense of the owner of said vehicle who shall pay said expenses prior to said impounded motor vehicle being returned to him.*

(Code 1962, § 21-2)

Cross references: Impounding generally, §§ 21-59, 21-72 et seq.

State law references: Similar requirement, Miss. Code 1972, § 27-19-131.

Sec. 21-3. Mufflers required.

It shall be unlawful for any person to operate within the city any motorcycle or other motor vehicle with the muffler open or without a muffler thereon equal or equivalent to that on a similar motor vehicle when purchased new by a dealer from the factory.

(Code 1962, § 21-3)

Cross references: See also § 13-13.

State law references: Similar provision, Miss. Code 1972, § 63-7-55.

Sec. 21-4. Vehicles to be equipped with lights.

Every vehicle shall be equipped with lamps as required by state law, which lamps shall be

lighted at all times between sunset and sunrise when such vehicle is in motion.
(Code 1962, § 21-4)

State law references: Requirements, Miss. Code 1972, § 63-7-11 et seq.

Sec. 21-5. Vehicles to be equipped with horns.

Every motor vehicle shall be equipped with a horn, or other suitable device for signaling its approach as required by state law.

(Code 1962, § 21-5)

State law references: Requirements, Miss. Code 1972, § 63-7-65.

Sec. 21-6. Traffic control devices--Stopping at stop signs and signals.

It shall be unlawful for the driver of any motor vehicle to violate any stop sign or any lighted signal placed on the streets of the city by order of the governing body unless otherwise directed by a traffic officer.

(Code 1962, § 21-6)

State law references: Obedience to devices, Miss. Code 1972, § 63-3-313.

Sec. 21-7. Same--Vehicle operation normally approaching electrical traffic control devices.

At street intersections where traffic lights are in operation, the following regulations shall be observed, unless otherwise directed by a traffic officer:

- (1) No U-turns shall be made.
- (2) When the green light is on, vehicular traffic facing such light shall proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic shall yield the right-of-way to other vehicles and pedestrians lawfully within the intersection at the time such green light is exhibited.
- (3) When the red light is on, vehicular traffic facing such light, shall stop before entering the intersection or at such other point as may be indicated by a clearly visible line, and shall remain standing until the green light is shown; provided, however, vehicular traffic may after coming to a full stop at intersections not posted with a sign stating, "No Right Turn On Red," make a right turn if the same can be done in safety, yielding to pedestrian traffic, except where one-way streets prohibited such turns.
- (4) Pedestrians shall start to cross at the intersection only while the green light is exhibited; no diagonal crossing by pedestrians is permitted.
- (5) Where intermittent flashing signals are in operation, vehicular traffic approaching such signal shall proceed past such signal cautiously and at such lawful rate of speed and with such care as to have the vehicle under immediate control and avoid danger to other vehicular traffic or pedestrians.

(Code 1962, § 21-9; Ord. of 1-26-76, § 1)

State law references: Signal legend, Miss. Code 1972, § 63-3-309.

Sec. 21-8. Same--Stopping when red light flashing.

At all street intersections in the city where traffic lights are in operation, vehicular traffic shall on the flashing of the red light in said signal come to a stop and shall not proceed while said red light in said signal is on.

(Code 1962, § 21-10)

Sec. 21-9. Same--Compliance by pedestrians.

Pedestrians shall be subject to all traffic-control signals, signs and devices, but where the same are not installed or are not in operation the driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within a crosswalk.

(Code 1962, § 21-14)

Sec. 21-10. Same--Parking color markings.

- (a) *Colors established. The colors to be used in authorized markings of the streets of the city for parking purposes shall be white for general parking, yellow for restricted parking and red for no parking.*
- (b) *Private markings regulated. It shall be unlawful for any person to mark off any part of any street of the city for parking purposes, except by authority of the governing body.*
- (c) *Unauthorized private markings. Any person who shall mark off any part of any street of the city for parking purposes without the authority of the governing body shall remove such marking and restore such street to its former condition within 24 hours after notice from the mayor so to do.*

(Code 1962, § 21-8)

Sec. 21-11. Driving across sidewalks.

It shall be unlawful for any person to ride or drive any horse or other such animal, any animal-drawn vehicle, or any motor vehicle on or across any sidewalks or curbs in the city.

(Code 1962, § 18-14)

Sec. 21-12. Roller skates, scooters, similar devices; operating on streets.

It shall be unlawful to use, ride or operate on any of the paved streets of the city any roller skates, scooters, roller-coasters, coaster-wagons or similar devices. The term "streets" herein shall not include the sidewalks.

(Code 1962, § 21-11)

Sec. 21-13. Bicycles--Traffic laws applicable.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the state declaring rules of the road applicable to vehicles or by the traffic ordinances or resolutions of the city applicable to the driver of a vehicle, except as to those provisions of such laws, ordinances or resolutions which by their nature can have no application.

(Code 1962, § 21-12)

Cross references: Bicycle registration, § 15-2.

State law references: Similar provision, Miss. Code 1972, § 63-3-207.

Sec. 21-14. Same--Operation.

- (a) No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.
- (b) Any person operating a bicycle shall obey the instructions of traffic-control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.
- (c) Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(Code 1962, § 21-13)

Sec. 21-15. Parades and processions.

- (a) *Permit required: No procession, parade or organized group or assembly of persons, except funerals or the Armed Forces of the United States, the military forces of this state and the forces of the police and fire departments, shall occupy, march or proceed along, in or on any street, alley, sidewalk or public land or area of the city, except in accordance with a permit issued by the chief of police or the mayor, and attested by the city clerk, and with such other regulations as may be provided by ordinance of the city.*
- (b) *Insignia to be displayed. Any procession, parade or organized group or assembly of persons,*

and any funeral procession shall be identified as such by the display upon the outside of any vehicle, or by the participants therein of an identifying insignia or by such other method as may be determined and designated by the chief of police or ordinance of the city.

- (c) *Manner of driving: Each driver in a funeral or other authorized procession or parade shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe, or in such a manner and upon such portion of the public streets or public places of the city as may be directed by the police force.*

(Code 1962, § 18-16; Ord. of 9-11-67, § 1)

Sec. 21-16. Through streets--Designating.

The governing body shall by resolution duly entered upon its minutes designate and describe through streets; provided, it shall cause a stop sign or other appropriate traffic-control device to be placed and maintained on each street intersecting such through street or intersecting that portion thereof described and designated as such by said resolution.

(Code 1962, § 21-21)

Sec. 21-17. Same--Duty of operator.

Whenever the governing body by resolution entered upon its minutes designates and describes a through street and causes a stop sign or other traffic-control device to be placed and maintained on each street intersecting such through street or intersecting that portion thereof described and designated as such by said resolution, it shall be the duty of every driver of a vehicle to stop such vehicle at such sign or other traffic-control device before entering the intersection except when directed to proceed by a police officer or by traffic-control signals.

(Code 1962, § 21-22)

State law references: Similar provisions, Miss. Code 1972, §§ 63-3-305, 63-3-1001.

Sec. 21-18. Speed limit--Maximums established.

It shall be unlawful for any person to operate a motor vehicle on the streets of the city at a speed greater than is reasonable and prudent under the conditions then existing, or in any event in excess of 25 miles per hour upon any of the streets of the city; and on Grand Avenue in no event in excess of 35 miles per hour, Calhoun Avenue, 30 miles per hour and Grady Avenue 30 miles per hour.

(Code 1962, § 21-23)

State law references: Speed limits, Miss. Code 1972, § 63-3-504 et seq.

Sec. 21-19. Same--Variations on certain streets.

The governing body may from time to time, by resolution duly enacted and entered upon its minutes, establish maximum speed limits for certain streets or parts thereof; provided, however, that when such resolution is enacted, the street or part of street affected thereby shall be appropriately marked by sign or other similar device.

(Code 1962, § 21-24)

State law references: Authority, Miss. Code 1972, § 63-3-511.

Sec. 21-20. Same--School zones.

It shall be unlawful during school hours to operate a motor vehicle at a rate of speed exceeding 15 miles per hour in any school zone in the city, designated by entry on the minutes of the governing body and notice of which zone and speed limit is given by the erection of appropriate signs.

(Code 1962, § 21-25)

State law references: Speed limit in school zones, etc., Miss. Code 1972, § 63-3-515.

Sec. 21-21. Same--Railroads.

It shall be unlawful for any person to run any railroad locomotive car or train at a greater rate of speed than 20 miles per hour over tracks in or through any part of the city.

(Code 1962, § 21-27; Ord. of 1-27-69, § 1; Ord. of 4-25-83, § 1)

Cross references: Stopping of railroad trains regulated by certain crossings, § 21-44.

State law references: Speed limit in cities, Miss. Code 1972, § 77-9-237.

Sec. 21-22. Reckless driving prohibited; penalty.

It shall be unlawful for any person to operate a motor vehicle on the streets of the city in such a reckless or careless manner as to indicate a wilful or wanton disregard for the safety of persons or property.

(Code 1962, § 21-28)

State law references: Similar provisions, Miss. Code 1972, § 63-3-1201.

Sec. 21-23. Backing.

(a) *Within first fire district generally. It shall be unlawful for the driver of any motor vehicle within the first fire district of the city to back such motor into or on any street except where necessary to withdraw from a parking space.*

(b) *At intersections. It shall be unlawful for the driver of any motor vehicle within the fire district of the city to back such motor vehicle into or on any street intersection.*

(Code 1962, § 21-29)

Sec. 21-24. Left turns.

It shall be unlawful for any operator of a vehicle to make a left turn at any intersection where the same has been prohibited by resolution of the governing body, duly enacted and entered upon its minutes, provided such intersection is appropriately marked by sign or otherwise.

(Code 1962, § 21-31)

State law references: Turning at intersections, Miss. Code 1972, § 63-3-703.

Sec. 21-25. U-turns prohibited at certain intersections.

It shall be unlawful for any person driving or operating any motor vehicle to make a U-turn at any street intersection on that portion of Main Street lying between Madison Street and the intersection of Main and Brandon Streets, and at any other place where the same has been prohibited by resolution of the governing body, duly entered upon its minutes, provided the area of restriction is appropriately marked by sign or otherwise.

(Code 1962, § 21-32)

Cross references: U-turns at traffic lights prohibited, § 21-7.

State law references: Prohibited on curve or crest of hill, Miss. Code 1972, § 63-3-705.

Sec. 21-26. One-way streets designated.

The following streets and others designated by resolution of the governing body shall be and are hereby designated as one-way streets; on which traffic shall proceed only in the direction indicated:

Alley, which lies in an easterly and westerly direction north of Broadway Street and south of Madison Street, which runs east of Washington Street and west of Monroe Street, in an easterly direction from Washington Street to Monroe Street.

Alley, between Washington Street and Monroe Street, south of Powell Street and north of Madison Street, in a southerly direction.

Commercial Street, between Main Street and Mound Street, in the direction from Main Street to Mound Street.

Monroe Street, between Jefferson Street and Perry Street, the direction of travel to be southerly.

Powell Street, between Washington Street and Monroe Street, in an easterly direction, during those days of the week which are regularly constituted as days in which the public schools of the city are open.

4th Street, between Calhoun Avenue and Lamar Avenue, in the direction from Calhoun Avenue to Lamar Avenue.

4th Street, between Grand Avenue and Jackson Avenue, in the direction from Grand Avenue to Jackson Avenue.

6th Street, between Lamar Avenue and Calhoun Avenue, in the direction from Lamar Avenue to Calhoun Avenue.

13th Street, between Grand Avenue and Jackson Avenue, during the hours of 7:30 a.m. to 5:00 p.m. on those days that school is being conducted at the Annie Ellis Elementary School immediately north of said portion of said street, in the direction from Jackson Avenue to Grand Avenue, and any street or part thereof designated by resolution of the governing body, duly entered upon its minutes; provided, however, such street or part thereof is appropriately marked by sign or otherwise.

(Code 1962, § 21-30; Ord. of 11-8-71, §§ 1, 20; Ord. of 6-8-81, § 1; Ord. of 10-28-96, § 1)

Cross references: One-way around Lintonia Park, § 21-27.

Sec. 21-27. Control of traffic at Lintonia Park.

- (a) *Operation of vehicles. All vehicles proceeding north on Grand Avenue and passing Lintonia Park, shall pass on the street to the right of said park, and all vehicles proceeding south on Grand Avenue and passing Lintonia Park, shall pass on the street to the right of said park.*
- (b) *Direction lanes established. The street around the east side of Lintonia Park shall be a one-way street for north-bound traffic only, and the street around the west side of said Lintonia Park shall be a one-way street for south-bound traffic only, and shall be observed accordingly by all persons passing said Lintonia Park.*

(Code 1962, § 21-33)

Sec. 21-28. Fire department to have right-of-way.

The engines, trucks, conveyances and other apparatus of the fire department, in attending fires or responding to any alarm of fire, shall have the right-of-way over the streets of the city and it shall be the duty of all persons driving vehicles on the streets of the city, upon the approach of any conveyance or apparatus of the fire department so proceeding, to turn entirely out of the way and come to a complete stop on the extreme right-hand side of the street, and there remain until all conveyances or apparatus of the fire department shall have passed, and it shall likewise be the duty of all persons driving vehicles on the streets, when approaching street crossings which are also being approached by the conveyance or apparatus of the fire department so proceeding, to come to a complete stop on the right-hand side of the street, and permit such conveyances and apparatus of the fire department to first pass such crossing.

(Code 1962, § 21-34)

State law references: Similar provisions, Miss. Code 1972, § 63-3-809; following fire apparatus, § 63-3-621.

Sec. 21-29. Driving over fire hoses prohibited.

It shall be unlawful for any driver of any vehicle to wilfully or carelessly drive over any hose of the fire department.

(Code 1962, § 21-35)

State law references: Similar provisions, Miss. Code 1972, § 63-3-1209.

Sec. 21-30. Crossing yellow center line.

It shall be unlawful for any vehicle to be driven across or to the left of the center line of any street of the city, when such center line is marked with a yellow line, except in the following instances:

- (1) Where, after proper signals and under proper circumstances it is necessary to

cross said center line to turn around or turn into a driveway, on those streets where such turns are permitted;

- (2) Where, after proper signals and under proper circumstances it is necessary to cross said center line to stop or park on the left side of said street, on those streets where such stopping or parking is permitted.

(Code 1962, § 21-36)

Sec. 21-31. Truck routes--Compliance.

It shall be unlawful for any person to operate a motor truck through the city on any street except on a through truck route so designated, described and marked, or to operate any motor truck larger than a pick-up in or about the city except on a route so designated by traffic signs, and in compliance with the requirements of resolutions and ordinances of the city.

(Ord. of 11-14-66, § 2)

Sec. 21-32. Same--Through truck routes.

The following streets or portion of streets shall be and are hereby designated as through truck route streets:

- (1) Highway 49 East.
- (2) 15th Street from Highway 49 East to Grand Avenue.
- (3) Grand Avenue from 15th Street to Lintonia Avenue.
- (4) Lintonia Avenue from Grand Avenue to Main Street.
- (5) Main Street from Lintonia Avenue to Broadway Street.
- (6) Broadway Street from Washington Street to the west city limits.
- (7) Washington Street from Broadway Street to the south city limits.

Delivery in the city by motor trucks shall be made using the above designated truck routes to the nearest point of delivery thereon and then such other streets of the city as may from this nearest point of delivery be required to reach the place of delivery.

(Ord. of 11-14-66, § 3)

Sec. 21-33. Same--Operation of trucks prohibited in certain areas; exception.

It shall be unlawful for any person to operate a motor truck on the indicated portions of the following streets:

- (1) That portion of Broadway Street extending westward from the intersection of Broadway and Jefferson Streets to the intersection of Monroe Street with Broadway Street.
- (2) That portion of Jefferson Street extending westward from the intersection of Jefferson and Broadway Streets to the intersection of Monroe Street with Jefferson Street.
- (3) That portion of Madison Street lying east of Monroe Street.
- (4) That portion of Powell Street lying east of Monroe Street.

However, nothing herein contained shall apply to pick-up trucks or to vehicles of the fire department or other municipal departments of the city, to vehicles of public service corporations engaged in emergency repairs or construction work, to school buses operated for the transportation of children to or from school, or to delivery trucks serving customers on the aforesaid portions of Madison and Powell Streets; and provided further, any truck owner whose only outlet to and from his place of residence is on the aforesaid portions of Madison and Powell Streets may on application to the mayor, obtain a permit to operate his truck on said portions of Madison Street and Powell Street in going to and from his said place of residence.

(Code 1962, § 21-37)

Sec. 21-34. Same--Operation of certain trucks restricted.

It shall be unlawful for any person to operate a motor vehicle of a greater capacity than five tons upon any portion of the paved road known as the Old Benton Road from its intersection with

Davis Avenue on Brickyard Hill eastward along the said Old Benton Road through Museville Addition to the corporate limits of the city.

(Code 1962, § 21-38)

Sec. 21-35. Leaving scene, failing to report accident, prohibited.

It shall be unlawful for the driver of any vehicle which is involved in an accident on any street or other public thoroughfare of the city resulting in injury to any person or property, or which collides with another vehicle on any public way of the city, whether such other vehicle is attended or unattended, to leave the scene of the accident or collision or fail to forthwith report such accident or collision to a police officer of the city.

(Code 1962, § 21-39)

State law references: Authority to require reports, Miss. Code 1972, § 63-3-523; leaving scene, 63-3-401 et seq.

Sec. 21-36. Operation of motor buses within city regulated.

It shall be unlawful for the operator of any motor bus engaged in the business of carrying passengers for hire on routes running through and not mainly within the city to be stopped on any street, avenue or alley in the city for the purpose of taking on or discharging passengers, or for any motor bus engaged in the business of carrying passengers for hire to be stopped on or across any sidewalk of the city or to be parked on any street, avenue or alley of the city, except at designated bus stops.

(Code 1962, § 23-14)

Secs. 21-37--21-39. Reserved.

ARTICLE II. STOPPING, STANDING, PARKING*

***Cross references: Parking of vehicles carrying inflammable products, regulated, §§ 11-33, 11-34; colors of parking markings, § 21-10.**

State law references: Parking facility authority, Miss. Code 1972, § 21-37-23 et seq.

DIVISION 1. GENERALLY

Sec. 21-40. Stopping to take on or discharge passengers or for conversation.

It shall be unlawful for any person driving or operating any motor vehicle to bring said vehicle to a stop in the street in order to permit the entering of or leaving of an occupant, or for the purpose of conversation, without parking such vehicle as required by ordinance.

(Code 1962, § 21-51)

Sec. 21-41. Standing of vehicles for sale, repair, etc.

- (a) *Standing for repair, sale, etc. It shall be unlawful for any person engaged in the business of repairing, selling, exchanging or storing motor vehicles within the city, to park or leave standing on any of the streets of the city, any such motor vehicle for repair, sale, exchange or storage.*
- (b) *Standing for more than 24 hours. It shall be unlawful for any person to park or leave standing on any of the streets of the city any vehicle for more than exceeding 24 consecutive hours.*

(Code 1962, § 21-52)

Sec. 21-42. Obstruction fire hydrants.

It shall be unlawful for any person to stop, stand or park a vehicle in, at or about the vicinity of, or within ten feet of a fire hydrant within the city.

(Code 1962, § 21-53)

State law references: Places where parking prohibited, Miss. Code 1972, § 63-3-901.

Sec. 21-43. Parking near street corners.

It shall be unlawful to park a vehicle nearer than 15 feet to any street corner.

(Code 1962, § 21-54)

Sec. 21-44. Parking of railroad trains near crossings.

It shall be unlawful for any cars, engines or equipment of any railroad to be parked and left standing on any railroad track within the city within a distance of 100 feet of the intersection with any street within the city.

(Code 1962, § 21-55; Ord. of 3-23-70, § 1)

State law references: Authority to regulate railroad crossings, Miss. Code 1972, § 21-37-9.

Sec. 21-45. Manner of parking--As prescribed by resolution.

All vehicles parked on the streets of the city shall be parked in the manner indicated by signs, paint or otherwise, the manner of parking to be as enacted by resolution of the governing body, entered upon its minutes.

(Code 1962, § 21-56)

State law references: Authority to regulate, Miss. Code 1972, § 63-3-211(a)1.

Sec. 21-46. Same--Compliance.

It shall be unlawful for any person to stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer, unless such parking is in the places and in the manner prescribed by resolution of the governing body, duly enacted and entered upon minutes; provided however, it shall cause the streets so regulated to be appropriately marked by signs or otherwise.

(Code 1962, § 21-57)

Sec. 21-47. Position on Grand Avenue--Angle parking area.

All vehicles parked on that part of the east side of Grand Avenue lying between 3rd Street and the 5th Street railroad crossing shall be parked at an angle between lines marked on Grand Avenue. Other angle parking areas shall be as designated by resolution of the governing body.

(Ord. of 1-25-65, § 1; Ord. of 5-10-65, § 1)

Sec. 21-48. Same--Parallel parking area.

All vehicles parked on that part of the west side of Grand Avenue lying between 3rd Street and the 5th Street railroad crossing shall be parked parallel and adjacent to the curb on Grand Avenue.

(Ord. of 1-25-65, § 2; Ord. of 5-10-65, § 2)

Sec. 21-49. No-parking areas.

- (a) The following streets and others designated by resolution of the governing body are hereby designated as no-parking areas:

East Broadway Street. Parking of vehicles in or on the first three parking spaces on the south side of East Broadway Street immediately west of Yazoo Street shall not be allowed and a sign or signs shall be erected to designate such no-parking zone.

Bridge Street. That from the north side of Bridge Street bounded on the east by Water Street and on the west by River Road, be and the same is hereby declared to be a no-parking zone.

Charles Street. The westerly side of Charles Street lying northerly of Fourth Street be and the same is hereby declared to be a no-parking area and all parking of motor vehicles thereon is hereby prohibited.

Commercial Street. That portion of the north side of Commercial Street bounded on the west by Main Street and bounded on the east by Washington Street, be and the same is

hereby declared a no-parking zone.

Fifth Street. The southerly side of that part of Fifth Street bounded on the east by Lamar Avenue and on the west by Martin Luther King, Jr. Drive be and the same is hereby declared to be a no-parking zone.

Fourth Street. The north side between Clay Avenue and Lamar Avenue.

South Kohlman Street. The east side of the 100 block of South Kohlman Street be and the same is hereby declared to be a no-parking zone.

South Locust Street. Parking of motor vehicles is prohibited on the west side of the 100 block of South Locust Street.

Perry Street, from its intersection with Monroe Street to its intersection with Washington Street.

Powell Street. The northerly side of that part of Powell Street bounded on the west by Lincoln Street and westerly to dead end be and the same is hereby declared to be a no-parking zone.

River Road. The north side of River Road, bounded on the east by the Lake Yazoo Bridge and bounded on the west by the easterly levee of the Yazoo River.

Tenth Street. It shall be unlawful to stop, stand or park a vehicle in, on or at the north side of Tenth Street lying between Grand Avenue and Calhoun Avenue.

Twelfth Street. That portion of Twelfth Street lying east of Davis Avenue and west of U. S. Highway 49-North is declared a no-parking area and the parking of automobiles, trucks, tractors, trailers and other motor vehicles is hereby prohibited.

United States Highway 49 East. That portion of United States Highway 49 East lying within the corporate limits of the City of Yazoo City, Mississippi, be and the same is hereby declared a no-parking area for certain vehicles and the parking of trucks, tractors, trailers and other motor vehicles having a factory rating of greater than one ton and the parking of automobiles, trucks, tractors, trailers and other motor vehicles or a combination of the same having more than two axles be and the same is hereby prohibited.

U.S. Highway 49 East. Parking of vehicles in or on the east and west shoulders of U.S. 49 East, known as Jerry Clower Boulevard, from its intersection with 15th Street to its intersection with U.S. Highway 49 West, known as "Four Points," shall not be allowed and a sign or signs shall be erected to designate such no-parking zone.

Walnut Alley. The easterly side of Walnut Alley be and the same is hereby declared to be a no-parking zone.

South Yazoo Street. The east side of South Yazoo Street south of Jefferson Street to its southerly end be and the same is hereby declared to be a no-parking zone.

- (b) The police department and the street department of the city are hereby authorized, empowered and directed to clearly and adequately mark above-designated areas as no-parking zones and to enforce this section.

(Ord. of 10-25-71, § 1; Ord. of 6-8-81, §§ 1, 2; Ord. of 10-12-81, § 1; Ord. of 3-8-85, § 1; Ord. of 6-9-86, § 1; Ord. of 6-8-87, § 1; Ord. of 10-24-88, § 1; Ord. of 10-24-88, § 1; Ord. of 2-27-89, § 1; Ord. of 3-13-89, § 1; Ord. of 6-12-89, § 1; Ord. of 1-11-93, § 1; Ord. of 5-22-95, § 1; Ord. of 1-8-96, § 1; Ord. of 10-28-96, § 1; Ord. of 11-26-2001)

Sec. 21-49.1. Parking prohibited between 8:00 a.m. and 5:00 p.m., Monday through Friday.

Parking of motor vehicles is hereby prohibited between the hours of 8:00 a.m. and 5:00

p.m. from Monday through Friday on the following streets or portions of streets:

(1) *South Monroe Street, east side of the 100 block.*

(Ord. of 2-25-80, § 1)

Sec. 21-50. Parking in certain parking lot at night.

Public or private use of and parking in that certain public parking lot in the city lying immediately adjacent to and south of the county jail is prohibited between the hours of 9:00 p.m. and 6:00 a.m. each day of the week, except by vehicles owned and operated by the county and by the city.

(Ord. of 1-8-73, § 1)

Sec. 21-51. Vehicles to be parked on right-hand side.

Except on one-way streets, all motor vehicles stopped or parked on the streets of the city shall so stop or park on the right-hand side of said street, being the side to the right-hand side of the driver of said motor vehicle, and, except on one-way streets, it shall be unlawful for any person to stop or park a motor vehicle on the left-hand side of any of the streets of the city.

(Code 1962, § 21-59)

Sec. 21-52. Blocking driveways.

It shall be unlawful for any person to park a vehicle in such a manner as to block the driveway of another.

(Code 1962, § 21-60)

Sec. 21-53. Overnight parking of large vehicles in residential areas.

It shall be unlawful for any person to park or leave overnight upon the streets in any residential area in the city, trailer trucks, trailer-type trucks, trailer-type van trucks, school trucks or school buses.

(Ord. of 2-22-65, § 1)

Sec. 21-54. Parking large vehicles on portion of Main Street.

It shall be unlawful to park on that portion of Main Street south of Madison Street any motor truck or motor bus, which, including any load thereon or projection therefrom, shall exceed an all-over length of 18 feet; provided, this restriction shall not apply to any truck parked at a store building without alley entrance where such parking is only for the purpose of making immediate deliveries of merchandise, or other articles to and from such store building.

(Code 1962, § 21-62)

Cross references: Truck routes, § 21-32.

Sec. 21-55. Parking commercial vehicles on portion of Washington Street.

It shall be unlawful to park any commercial motor vehicle on that portion of Washington Street extending northward from Broadway Street.

(Code 1962, § 21-63)

Sec. 21-56. Parking livestock trucks on certain streets.

It shall be unlawful to park any truck carrying livestock, or any truck in which livestock has been carried and the bed of which has not been thoroughly cleaned, on that portion of Main Street lying south of Madison Street, on that portion of Broadway Street lying between Washington Street and the railroad track of the Yazoo and Mississippi Valley Railroad Company, and on that portion of any street or alley lying south of Broadway Street and running westerly from Washington Street to Mound Street.

(Code 1962, § 21-65)

Sec. 21-57. Loading and service zones--Designating; use of areas not so designated.

The governing body shall by resolution duly enacted and entered upon its minutes designate portions of the streets of the city as loading zones and/or service zones, and shall

cause such streets or portions thereof to be appropriately designated by sign or otherwise. Use as a loading zone and/or service zone of any portion of a street not so designated shall be unlawful unless such use is with the permission and under the supervision of the police department.

(Code 1962, §§ 21-66, 21-68(a))

Sec. 21-58. Same--Use regulated.

- (a) It shall be unlawful to use areas marked and designated as "loading zones" in the city for any purpose other than loading and unloading.
- (b) It shall be unlawful for service trucks servicing a store or place of business, to be parked or stopped except in space on the streets set apart by order of the governing body and designated by appropriate markings for the use of service trucks.
- (c) No passenger vehicle shall use said loading zone or service zone for a longer period of time than five minutes on any one occasion, and no motor vehicle designated as a truck as distinguished from a passenger car, shall use said loading zone or service area for a longer period of time than 15 minutes on any one occasion. The chief of police may for special reasons and on special occasions extend such time limits as the occasion may require.

(Code 1962, §§ 21-67(a), (b), 21-68(a); Ord. of 9-28-64, § 1; Ord. of 1-9-67, § 1)

Sec. 21-59. Violation of parking restrictions; impounding.

- (a) It shall be unlawful to park and leave unattended, other than for loading and unloading and servicing purposes, vehicles in those portions of the streets designated as loading or unloading or service zones or as restricted parking zones, or designated as no parking zones marked for such purposes by yellow paint or by such other methods or means as the governing body may hereafter designate.
- (b) All vehicles violating the provisions of subsection (a) may be removed from the streets by the city police department and impounded by the police department, and thereafter released to the owners thereof after said ownership has been determined, the removal thereof to be at the expense of the owner of said vehicle who shall pay said expense prior to said impounded motor vehicle being released to him.

(Code 1962, § 21-68)

State law references: Authority to impound, Miss. Code 1972, § 63-3-905; abandoned vehicle law, § 63-23-1 et seq.

Secs. 21-60--21-62. Reserved.

DIVISION 2. HANDICAPPED PARKING*

***Editor's note: Ord. of June 23, 1986, §§ 1--7, did not specifically amend the Code, hence codification of these provisions as Div. 2, §§ 21-63--21-69, was at the discretion of the editor.**

Sec. 21-63. Limited to authorized persons.

Wherever motor vehicle parking spaces shall bear the international symbol of access, whether by signs or painted emblems, parking shall be limited to those persons authorized herein. (Ord. of 6-23-86, § 1)

Sec. 21-64. Decal or certificate required.

Only such persons whose vehicles have a licensed tag bearing the special decal indicating a handicapped operator or whose vehicle dashboard contains a parking certificate bearing the international wheelchair logo shall park in spaces reserved for the handicapped. Such decal and

certificate may be obtained in compliance with Section 27-19-56 of the Mississippi Code of 1972, as amended, or through the city police department.

(Ord. of 6-23-86, § 2)

Sec. 21-65. Minimum handicapped spaces--City-owned parking facilities.

Each city-owned parking facility shall have at least one parking space reserved for the handicapped.

(Ord. of 6-23-86, § 3)

Sec. 21-66. Same--Business providing off-street parking.

Each business or industry located within the corporate limits of this city which provide off-street parking for customers and/or employees shall provide at least one parking space reserved for the handicapped for every 100 spaces available for the nonhandicapped. Said spaces shall be within 200 feet of a primary accessible interest to the facility.

(Ord. of 6-23-86, § 4)

Sec. 21-67. On-street handicapped parking spaces.

The street department of this city shall determine and designate a sufficient number of on-street parking spaces for the exclusive use by the handicapped.

(Ord. of 6-23-86, § 5)

Sec. 21-68. Enforcement.

This division shall be enforced by the city police department, fire chief, fire marshal and any other member of the city fire department designated by the fire chief and the mayor, all of whom are hereby vested with the authority to arrest or otherwise cite violators as provided by law in cases of traffic violations.

(Ord. of 6-23-86, § 6)

Sec. 21-69. Penalty for violation.

Any person who violates this division shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not less than \$25.00 and no more than \$100.00 for each such violation as provided by Section 27-19-56 of the Mississippi Code of 1972, as amended.

(Ord. of 6-23-86, § 7)

ARTICLE III. ABANDONED PROPERTY*

***Cross references: Property abandoned on private lots, § 13-35 et seq.**

State law references: Abandoned vehicle law, Miss. Code 1972, § 63-23-1 et seq.

Sec. 21-70. Time period raising presumption.

All vehicles or other item of personal property left parked, standing, or located upon any of the public ways, streets, alleys, or public properties of the city for a period of more than 120 hours, shall be deemed abandoned; and those which, from the nature and character thereof may be found thereon and by reason thereof determined to be lost or abandoned, and require removal for protection, shall be deemed abandoned.

(Ord. of 4-8-68, § 1)

Sec. 21-71. Exceeding time period unlawful.

It shall be unlawful for any person to park or leave standing and unattended any vehicle on the public ways or streets or public properties of the city, for a longer period than 120 hours.

(Ord. of 4-8-68, § 2)

Sec. 21-72. Removal of vehicles--Required.

All motor vehicles abandoned as herein provided or illegally parked and left unattended upon the public streets, ways or properties of the city, shall be removed therefrom at the direction

of a member of the police department or by a contract wrecker employed by the police department and shall be placed in the custody of a storage garageman to be designated by the chief of police. (Ord. of 4-8-68, § 3)

Cross references: Impounding untagged vehicles, § 21-2; removal of abandoned property from private premises, § 13-35 et seq.

Sec. 21-73. Same--Lien.

Such vehicle so removed and stored shall become immediately subject to a lien for the costs of removal, storage and other expense incurred thereby and not released to any owner or claimant until paid.

(Ord. of 4-8-68, § 4)

Sec. 21-74. Holding period.

All such vehicles taken into possession as provided hereinabove shall be held for a period of 60 days before sale, and all such properties otherwise taken into possession shall be held for a period of 60 days before sale as hereinafter provided for.

(Ord. of 4-8-68, § 6)

Sec. 21-75. Storage of property other than motor vehicles.

Any properties, so deemed abandoned, and taken into possession by the police department other than motor vehicles shall be stored in a safe place designated by the police chief.

(Ord. of 4-8-68, § 5)

Sec. 21-76. Notices and sale.

Notice shall be given by posting written notices in three public places in the city and by one publication in a local newspaper of the taking up and storing of such property by the police department within one week thereof, and if not claimed by the rightful owner and charges paid thereon, shall be advertised for sale by the police department after the expiration of 60 days from the date of such taking of said property, by posting written notices of such sale in three public places in the city, and one time in a local newspaper, giving the description of the property, place of abandonment, time and date of sale, and charges, if any due thereon, and on the date of sale the same shall be sold and delivered to the highest bidder thereof for cash, and any purchaser thereof delivered a bill of sale executed by the police chief in behalf of the city.

(Ord. of 4-8-68, § 7)

State law references: Additional requirements, Miss. Code 1972, § 63-23-5 et seq.

Sec. 21-77. Disposition of proceeds of sale--Deposit.

All funds received by the sale of said properties shall be first applied to the expenses incurred and charges against the same, and the balance paid to the city clerk and placed in the general funds of the city.

(Ord. of 4-8-68, § 8)

Sec. 21-78. Same--Fees.

The police department shall receive, as part of the expense of such sale and removal of said properties, out of the proceeds of such sale, the sum of \$5.00 on each motor vehicle, and the sum of \$2.50 on all other properties so removed and sold.

(Ord. of 4-8-68, § 9)

Chapter 22 UTILITIES*

***Charter references: Authority to condemn property for sewers, waterworks, electric light lines, gas mains, § 20; authority to borrow money for such purposes, § 66.**

Cross references: Location of pipelines prior to work in streets, § 18-7.

State law references: Municipal authority to regulate as to conduits, pipes, pipe lines,

Miss. Code 1972, § 21-27-5; as to waterworks operation, see §§ 21-27-7, 21-27-13 et seq.; testing meters, § 21-27-9; authority as to posts and wires, § 21-27-3; authority as to utilities generally, § 21-27-23.

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Article III. Garbage and Trash Disposal

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ARTICLE I. IN GENERAL

Sec. 22-1. Public service commission--Created; membership.

The public service commission of the city is hereby created and established, to consist of five citizens of and qualified electors of the city, none of whom shall hold any other municipal office for honor or for profit.

(Code 1962, § 22-26)

State law references: Public utility commission, Miss. Code 1972, § 21-27-13 et seq.

Sec. 22-2. Same--Term of members.

One member of the public service commission shall be elected each year on the fourth Monday in June by the governing body, for a term of five years beginning on the second Monday of July.

(Code 1962, § 22-27; Ord. of 4-25-83, § 1)

Sec. 22-3. Same--Compensation of members.

Each public service commissioner shall receive as compensation for his services, such compensation as the governing body may fix or determine by resolution duly entered on its minutes.

(Code 1962, § 22-28)

Sec. 22-4. Same--Authority.

The public service commission shall manage, supervise and control the systems of the city for the generation, transmission and distribution of electricity and the water supply, the waterworks system, sewage disposal system and any other system defined in Mississippi Code 1972, section 21-27-23, acquired or installed by the city, and the supply of facilities and services hereof to all consumers thereof, both within and without the city.

(Code 1962, § 22-29)

Sec. 22-5. Same--Powers, duties, obligations.

The powers, duties and obligations of the public service commission, and each of the members, are the powers, duties and obligations as defined and set forth in Mississippi Code 1972, sections 21-27-11 through 21-27-69, except that such commissioners shall have the right to fix the salaries and terms of office of all employees, subject to the final approval of and order of the governing body by resolution duly entered upon its minutes.

(Code 1962, § 22-30)

Sec. 22-6. Same--Determination, disposition of surplus funds.

Whenever the receipts from the operation of the waterworks, electrical and sewer system exceed the amount needed by the commission for current operating expenses so as to leave a surplus in public service commission funds, the excess may, in the discretion of the governing body, be transferred to the general fund of the city, or such other fund of the city as it shall designate, and upon order of the governing body directing said transfer and the amount thereof, the commission shall issue a warrant for the same. Determination of the question as to whether or not there is such excess shall be made by the governing body; provided however, in addition to the amount needed for current operating expenses, the commission is authorized to reserve 25 percent of its net monthly earnings and an amount not less than that required by the terms of the revenue bonds issued by the city for electric and water service and improvements, as a reserve fund, which reserve fund shall not be subject to such transfer except upon the joint approval of the commission and the governing body.

(Code 1962, § 22-31)

State law references: Authority to determine disposition of revenues, Miss. Code 1972, § 21-27-19.

Sec. 22-7. Telephone, telegraph, electric poles and wires classified.

The wires for electric purposes shall be divided into two classes, as follows: First class is for telephone, telegraph, and signaling; second class is for electric light and power.

(Code 1962, § 22-11)

Sec. 22-8. Same--Construction of poles regulated.

All telephone and telegraph poles hereafter erected and constructed within the city shall

be erected only as designated by the public service commission on application made thereto.
(Code 1962, § 22-12)

Sec. 22-9. Same--Wires crossing at street corners; protection required.

At street corners where the wires of the two classes are constructed so as to cross one another, the lower shall be protected from the upper by installation of guard wires on the poles of the lower system.

(Code 1962, § 22-13)

Sec. 22-10. Same--Location of wires on poles.

Poles shall be of such height that the last wire shall not be nearer the ground than 18 feet, and the wires of any company, or of the city, shall not come nearer the wires of another company or of the city, than 24 inches.

(Code 1962, § 22-14)

Sec. 22-11. Same--Different classes of wires on same poles regulated.

Wires of the first class and wires of the second class must not occupy the same poles, except at crossings where the conditions might make it advisable, and then only by special permission of the public service commission.

(Code 1962, § 22-15)

Sec. 22-12. Same--Removal on notice.

Any person erecting poles or wires not conforming to rules of the public service commission, shall be required to remove the same promptly upon 24 hours' written notice being given so to do, and unless so removed after such notice, the work of removal may be done by the city at the expense of the owner, such expense to be a lien on all property of the owner, real or personal, situated in the city, and the city tax collector shall be authorized to collect for said work in the same manner as he is authorized to collect for delinquent taxes.

(Code 1962, § 22-16)

Sec. 22-13. Same--City may place fire alarm system on poles.

The city reserves the right to place the wires and boxes of the fire alarm system of the city on any or all lines of poles in the city where necessary, and said wires shall always have choice so long as they do not conflict with any private rights, and when city fire alarm wires are strung or boxes placed on poles of a telephone or telegraph company, or on any electric light poles, the company owning said poles, or the city officer having superintendence thereof, is required to protect such wires and boxes, and if found dangerous or needing repairs, they shall make the necessary minor repairs and notify the governing body of the same, or of any defects in the lines.

(Code 1962, § 22-17)

Sec. 22-14. Tampering with meters, unauthorized use of utilities, meters--Constitutes misdemeanor.

Whoever intentionally by any means or device prevents electric current, water or gas, from passing through any meter or meters provided to register the quantity of electric current, water or gas supplied by the city or any person engaged in the manufacture, sale or distribution of electricity, water or gas for lighting, power or other purposes, or whoever intentionally prevents any such meters from duly registering the quantity of electricity, water or gas supplied, or in any manner interferes with the proper action or just registration of such meter or meters, or whoever, without the consent of the city or any such person supplying electricity, water or gas, intentionally diverts any electric current from any wire or cable, or water or gas from any pipe or main, or otherwise intentionally uses or causes to be used without the consent of the city or person producing the same, any electricity, water or gas, or whoever refuses to deliver on demand any meter, lamp or other appliance which the city or person supplying electricity, gas or water may have loaned for the purposes of furnishing electricity, water or gas through the same, with intent to defraud the city or such person, shall be guilty of a misdemeanor.

(Code 1962, § 22-8)

State law references: Tampering with meters, Miss. Code 1972, § 97-25-3.

Sec. 22-15. Same--Prima facie evidence of violation.

The presence at any time on or about a meter, wire, cable, pipe or main, of any device, pipe or wire resulting in the diversion of electric current, water or gas, as defined in section 22-14 or resulting in the prevention of the proper action or just registration of such meter, shall constitute prima facie evidence of knowledge on the part of the person having custody or control of the room, house, building or place where such device, pipe or wire is located, of the existence thereof and the effect thereof, and shall constitute prima facie evidence of the intention on the part of such person to defraud, and shall bring such person prima facie, within the scope, meaning and penalties of section 22-14.

(Code 1962, § 22-9)

Sec. 22-16. Opening fire hydrants, fixtures; prohibited use of water.

No person except an employee of the city utilities system or a member of the city fire department in the proper discharge of his duties, shall open any fire hydrant, or in any way tamper with the fixtures or use any water therefrom. No person shall use water from the city water system for any other purposes than those contracted for, or shall permit any other person so to do, from fixtures on his premises.

(Code 1962, § 22-10)

Sec. 22-17. Use of sewers--Definitions; illegal use generally.

- (a) House sewers are for collecting, carrying and discharging sewage; storm sewers are for carrying off storm water, or run-off from rain or snow.
- (b) It shall be unlawful to use any sewer for any purpose other than that contemplated in this article, or for any person except some official or authorized agent of the city to open any cover over a sewer, or to otherwise interfere with or obstruct the operation of any sewer or accessory to a sewer.

(Code 1962, § 17-1)

Sec. 22-18. Same--Solid matter not to be deposited in house sewers.

No person shall place or cause to be placed in any house sewer any swill, garbage, sweepings, ashes, sand, clay, cotton, wool, rags, wearing apparel, rubbish or any other solid matter that may not be promptly dissolved by the sewerage, or that may form deposits or obstructions in the sewers or in any of their accessories or fixtures. Due care and cleanliness shall be exercised in the use of all fixtures.

(Code 1962, § 17-2)

Sec. 22-19. Same--Obstructing lines.

It shall be unlawful for any person using the sanitary sewers in the city to permit anything to pass into said sanitary sewerage lines which may cause a stoppage or impediment of flow.

(Code 1962, § 17-11)

Sec. 22-20. Same--Connecting garage wash racks to system.

It shall be unlawful for the owner, lessee or operator of any filling station, service station or garage to connect or maintain connection of the drain from any wash rack with any sanitary sewer of the city, or to drain any wash rack into such sewer.

(Code 1962, § 17-12)

Sec. 22-21. Same--Traps.

- (a) No connection with the sanitary sewers for any purpose other than sanitary sewage disposal shall be made or maintained unless application therefor is filed with the public service commission, and the public service commission approves or designs proper traps to be installed in such connections to trap sand, grease, dirt or other refuse.

- (b) Said trap shall be cleaned at regular intervals no more than one month apart, and if found upon inspection to be permitting anything to go into the city sanitary sewerage lines which may cause a stoppage or impediment of flow may be disconnected by said commission from the sanitary sewers of the city.
- (c) The public service commission shall make regular inspections of any traps required or constructed in compliance with subsections (a) and (b) or of other such facilities connected to said sewerage lines.

(Code 1962, §§ 17-8--17-10)

Sec. 22-22. Same--Sealing unused connections or lines.

- (a) It shall be unlawful for any owner or occupant of any lot or parcel of land in the city to permit abandoned or unused sewer taps, service lines or service connections to city mains serving such lots or parcels to remain unsealed or broken; such unsealed sewer taps or lines and connections are determined to be unsanitary and prejudicial to the public health, and it shall be the duty of every owner or occupant of such property to immediately seal off in a proper manner all such open taps or service lines upon being notified in writing by the public service commission that such sewer taps, connections or service lines are open and that the same are unsanitary and prejudicial to the public health.
- (b) If any owner or occupant of any lot or parcel of land in the city shall fail to properly seal off such abandoned or unused sewer taps or service lines as may be open on his property as required in subsection (a) above within 30 days from the receipt of notice so to do, the governing body may direct that a hearing be set to determine whether or not such parcel of land is in such a state of uncleanness as to be a menace to the public health and safety of the community. Three weeks notice of such hearing shall be given to the property owner by U.S. registered mail, return receipt requested, "received by addressee only," or if the property owner is unknown or his address unknown, then by three weeks notice in a newspaper having a general circulation in the city prior to the date of such hearing. If at such hearing the governing body shall adjudicate such parcel of land or lot to be a menace to the public health and safety of the community, it shall proceed to have said open sewer taps or broken service lines or service connections properly sealed off. At the next regular meeting the governing body shall by resolution adjudicate the actual cost of such work and report the same to the tax collector, who shall charge the same and 25 percent damages thereon to said property as a part of the taxes for the current year and the superintendent or anyone directed by the governing body to do so, shall have full authority to enter upon private property for the purpose of carrying into effect the provisions of this section in exercise of the power of the city to protect the public health.

(Ord. of 6-9-75, §§ 1, 2)

Sec. 22-23. Notice to correct defective plumbing.

Any plumbing connected with the sanitary sewers found defective or unsanitary at any time by an inspector of the city, shall be repaired and corrected within a week after the owner has been given notice of the defects. Failure on the part of any owner to make such necessary repairs or corrections shall be a misdemeanor.

(Code 1962, § 17-3)

Sec. 22-24. License required for installation or repair of plumbing, electrical wiring, gas fitting or air conditioning and heating; examination approval and performance bond required prior to issuance.

- (a) It shall be unlawful for any person, firm or corporation to engage in the business of installation, repair or remodeling of plumbing, electrical wiring, gas fitting or air conditioning and heating without first obtaining from the building inspector of this city a license to so do.
- (b) The building inspector of this city shall not issue a license to any person, firm or

corporation to engage in the business of plumbing, electrical wiring, gas fitting or air conditioning and heating without said person, firm or corporation first being examined and approved by the utility examining board of Yazoo City and the filing with the clerk of this city a performance bond in the amount of \$5,000.00 payable unto said city.

- (c) Any insurance agent or company providing a performance bond to any person, firm or corporation to engage in the business of plumbing, electrical wiring, gas fitting or air conditioning and heating under the provisions of this section shall notify the clerk of this city when said bond shall lapse or terminate lapse or terminate. Upon receipt of notice of lapse or termination of the performance bond required herein, the city clerk shall notify the building inspector of such lapse or termination and the building inspector shall immediately cancel the license issued to such person, firm or corporation and notify such person, firm or corporation of such termination of license.

(Ord. of 6-24, 85, §§ 1, 2; Ord. of 9-28-87, § 1)

Cross references: Buildings and construction generally, Ch. 6; licenses and business regulations, Ch. 14.

Sec. 22-25. Utility examining board established; membership; powers and duties.

- (a) There is hereby created the utility examining board of Yazoo City, which board shall consist of seven members who shall be appointed by the board of mayor and aldermen, said board to consist of the following: Two master plumbers or gas fitters, two master electricians or electrical engineers, two air conditioning and/or heating contractors and one representative of the construction industry, insurance industry or a certified or accredited architect, all of whom shall be licensed to do business by the city. The term of the office of the initial members of this board shall be staggered as follows: Three members shall serve for three years, three members shall serve two years, and one member shall serve for one year. The terms of all members subsequent to this shall be for three years.
- (b) The utility examining board shall have the power to promulgate rules and regulations of its operation, establish a procedure of examination of applicants and minimum requirements for licensing for the operation of the business of plumbing, electrical wiring, gas fitting and air conditioning and heating within the city; to conduct examinations for granting licenses; to recommend approval or disapproval of applicants for licensing; to revoke licenses; to receive and investigate complaints of licensees; to advise and counsel with the board of mayor and aldermen when requested upon matters affecting said utility examining board and its licensees.

(Ord. of 6-24-85, §§ 3, 4)

Secs. 22-26--22-29. Reserved.

ARTICLE II. SERVICE RATES FOR CITY UTILITIES

Sec. 22-30. Water rates.

The rates charged and collected for water service furnished by the water distribution system of the city, and to be collected by the public service commission shall be and the same are hereby established and fixed as follows:

Schedules:

- (1) *Inside city--Base rate:*

TABLE INSET:

First	3M @	\$2.45 minimum*
Next	7M @	0.48 per M gallons
Next	10M @	0.41 per M gallons
Next	30M @	0.36 per M gallons

Next 50M @	0.30 per M gallons
Next 100M @	0.24 per M gallons
Next 300M @	0.18 per M gallons
All in excess @	0.11 per M gallons
<i>*Minimum water bills:</i>	
1/2"-- 3/4" meter	\$ 2.45
1" meter	4.50
1 1/2" meter	7.75
2" meter	10.38
4" meter	29.44
6" meter	49.75

(2) *Outside city--Base rate:*

TABLE INSET:

First 3M @	\$4.90 minimum*
Next 7M @	0.96 per M gallons
Next 10M @	0.82 per M gallons
Next 30M @	0.72 per M gallons
Next 50M @	0.60 per M gallons
Next 100M @	0.48 per M gallons
Next 300M @	0.36 per M gallons
All in excess @	0.22 per M gallons
<i>*Minimum plus additional charge for:</i>	
1/2"-- 3/4" meter	\$ 0.00
1" meter	2.05
1 1/2" meter	5.30

2" meter	7.93
4" meter	26.99
6" meter	47.30

(3) *Applicable to (1) and (2) above:*

Installed water meter size determines amount of minimum bill charge as outlined above. Meter sizes not indicated subject to next larger rate.

All industrial rates in excess of \$500,000.00 may at the option of the public service commission be handled on a negotiated basis.

(4) *Water sprinkler systems:*

Automatic sprinkler system for fire protection only, a minimum charge of \$1.00 per month, \$10.00 annually per 10,000 square feet, or fractions thereof floor space.

(5) *State and city sales tax: To be applied where applicable.*

(Code 1962, §§ 22-1, 22-2; Ord. of 6-9-75, § 1)

Sec. 22-31. Sewer rates.

(a) The rates charged and collected for sewer service furnished by the sanitary sewer system of the city, and to be collected by the public service commission shall be and the same are hereby established and fixed as set forth in this section.

(b) There shall be two classes of charges; one being a volumetric charge and the other being a surcharge for excessive strength of waste water. These charges shall apply to all users of the city sanitary sewer system.

Volumetric charge will be determined by water meter reading, or at the user's option, the user may furnish metering devices approved by the city water department for measuring waste water discharged into the city sewer system. This will apply to those users of the city sanitary sewer system and who purchase all water from the city water department or have other water supply.

Those users having private wells or other sources of water supply shall install either water meters on the wells or other sources of water supply or approved metering devices on waste water discharged to the city sewers.

Users will be classified as residential or commercial-industrial according to classifications established by the public service commission.

(c) The residential schedule of sewer service charges, on a volumetric basis, shall be 60 percent of water bill, where sewerage service is available, whether sewerage connection has been made or not. Sixty percent applicable to base rate total only.

(d) The rates charged to users of the sewer system outside the corporate limits of the city shall be double the rates hereinabove set forth.

(e) Provided, however, a user may, at his own expense, and with the city's approval, install a secondary meter or meters on his water supply system which serves only his lawn sprinkling load or water use load so as to measure directly the amount of water that does not enter the public sewers. The secondary meter or meters shall be an entirely separate system installation. There shall be no interconnection between this meter installation or any other meter or service connection.

(f) The sewer service charges to commercial-industrial users on a volumetric basis are as

indicated in the following table:

SEWER SERVICE CHARGE
COMMERCIAL-INDUSTRIAL RATE SCHEDULE

- (1) *Inside city: Same as residential rates schedule.*
- (2) *Outside city: The rates charged to such users of the sewer system outside the corporate limits of the city shall be double the rates hereinabove set forth.*

Industrial users securing water supplies from other than city purchase or other metered utility purchase shall pay for sewer use in accordance with above sewer rate schedule based on measured flow to sewer.

Surcharge applicable to high strength commercial and industrial waste discharges based on volume, suspended solids and biochemical oxygen demand.

Adjustments: Subject to addition of any applicable proportionate part of any directly allocable tax, impost or assessment imposed or levied by any governmental authority, which is assessed or levied against the public service commission or directly affects the public service commission cost of operation, and which the public service commission is obligated to pay on the basis of meters, customers, or rates of, or revenue from water sales, or the volume of water pumped, transported, purchased for sale, or sold, or any basis where direct allocation is possible.

- (g) The sewer service surcharge for excessive waste water strengths shall be as indicated herein.
- (h) The sewer service charges as set forth in subsections (c) et seq. are applicable to every person inside and outside of the corporate limits of the city whose sewage and waste water empties into the city's collection and treatment systems.

(Code 1962, §§ 22-1, 22-2; Ord. of 6-12-72, § 1; Ord. of 6-11-73, §§ 1-4, 7; Ord. of 6-9-75, § 1)

Sec. 22-32. Electric rates.

The rates charged and collected for electric service, electric power and energy furnished by the electric generating and distribution system of the city, and to be collected by the public service commission shall be as follows:

(A) **RESIDENTIAL SERVICE:**

- (1) *Net monthly rate*

For the first 20 kwh or less	\$1.63 minimum
For the next 60 kwh at	6.175¢ per kwh
For the next 80 kwh at	4.925¢ per kwh
For the next 340 kwh at	3.250¢ per kwh
For all over 500 kwh at	1.625¢ per kwh
- (2) *Applicable:*

For residential service to private residences or individual family apartments. Where dwellings occupied by more than one family are served through one meter, the initial charge and the kwh in each block of the net monthly rate will be multiplied by the number of families served. Service is for the use of the customer and may not be otherwise shared and may not be resold to others.

When a portion of a residence is used for other than residential purposes, the appropriate nonresidential service schedule will be applied.
- (3) *Rate adjustments:*
 - (a) *General: There will be added the applicable part of any directly allocable tax, impost or assessment enforced or levied by any*

governmental authority which is assessed or levied against the city or directly affects the city's cost of operation since January 1, 1954, and which the city is legally obligated to pay on the basis of meters, customer, or rates of, or revenues from electric power and energy or service sold, or on the volume of the energy generated, transported, purchased for sale, or sold, or any other basis where direct allocation is possible.

- (b) *Fuel: The net bill as computed on the above rate schedule is based on a gas fuel cost of 65.17¢/MBTU, referral date June, 1975. Therefore, the fuel adjustment cost will be the different plus or minus in the net cost of generating a kwh for the month in question referred to the "average net cost" of generating a kwh for the preceding year. This difference multiplied times total kwh of customer will be the total fuel adjustment cost for that month.*

All costs of fuel, as diesel oil, as fuel oil, as natural gas, and as purchased power will be included when determining the fuel cost per kwh.

- (4) *Three-phase service:*

Rendered only where utility has facilities installed for such service or where customer complies with utility's other requirements toward installation of such facilities as can be installed for that purpose.

(B) RESIDENTIAL ALL ELECTRIC RATE:

- (1) *Net monthly rate:*

For the first 160 kwh or less	\$9.50
For the next 840 kwh	1.750¢ per kwh
For the next 3,000 kwh	1.375¢ per kwh
For all additional kwh	1.250¢ per kwh

- (2) *Applicable:*

For residential service to private residences or individual family apartments where the entire requirements for light, heat and power on the premises are supplied electrically through one meter.

Not applicable to standby or supplementary service.

- (3) *Adjustments:*

See (3) *Rate adjustments under (A) RESIDENTIAL SERVICE.*

- (4) *Minimum bill:*

\$9.50 per month or such amount as may be required for line extension. Customers to justify the additional investment necessary to provide service and to cover the costs of rendering service.

- (5) *Three-phase service:*

See (4) *Three-phase service under (A) RESIDENTIAL SERVICE.*

(C) GENERAL SERVICE:

- (1) *Applicable:*

To all electric service for which no specified schedule is provided, supplied at one point of delivery and measured through one kilowatt hour meter. Applicable to temporary, seasonal, standby and supplementary service only in conjunction with the applicable rider for such service. Not applicable for resale or shared service.

- (2) *Character of service:*
Single or three-phase, 60 cycles and at one standard nominal voltage required by customer, as described in city's standards for electrical installations.
- (3) *Net monthly rate:*
For the first 50 kwh \$11.4¢ per kwh
For the next 100 kwh 8.1¢ per kwh
*For the next 600 kwh 5.8¢ per kwh
For the next 10,000 kwh 2.0¢ per kwh
For all additional kwh 1.6¢ per kwh
except 1.1¢ per kwh for all kwh in excess of 60,000 kwh or 300 kwh per kw of measured demand whichever is the greater.
*When the kw of measured load is above six kw, the 5.8¢ block is increased at the rate of:
100 kwh per kw for the first 24 kw over six kw
65 kwh per kw for all additional kw
- (4) *Minimum bill:*
(a) For single phase service and demands less than 6 kw, \$1.25.
(b) For demands 6 kw and above, \$1.56 per kw of contracted capacity or highest measured demand on record.
(c) Three-phase service not less than \$5.63.
- (5) *Adjustments:*
See (3) *Rate adjustments under (A) RESIDENTIAL SERVICE.*
- (6) *Primary delivery:*
Where it is feasible and economical from the standpoint of efficient operation, customer may elect to take service at the primary voltage that is available, or in commission's judgment, can be made available in the most practicable manner. When customer contracts for 200 kw minimum billing basis at 12,500 volts or higher and provides all facilities necessary to take service at this voltage, the billing, before adjustments, will be reduced \$0.15 per kw of measured load. Commission may elect to measure such service on the secondary side of customer's transformer installation. Where metering is at primary, the metering equipment installed will compensate for transformer losses or in lieu thereof an allowance of one percent will be made in the measured quantities.
- (7) *Measured load:*
The average kw supplied during the 15-minute period of greatest use during the current month, but not less than the higher of:
(a) The minimum kw specified in the Agreement For Service, or
(b) One-third of the capacity requirement.
- (8) *Excess kvar:*
The average kvar supplied during the 15-minute period of greatest kvar use during the current month in excess of 60 percent of the measured load for the current month. A kvar meter may be installed where tests indicate a power factor less than 85 percent.
- (9) *Capacity requirement:*
The highest kw of measured load previously established, or the maximum kw specified in the agreement for service, whichever is the greater. In event the instantaneous load of customer's installation exceeds the measured

load by an unusual amount, such instantaneous load may be taken as the capacity requirement.

(10) *Payment:*

Bills are due and payable each month upon presentation. If a bill is not paid within ten days from the date thereof, the commission shall have the right to suspend service.

(11) *Contract period:*

Not less than one year unless supplied under commission's application for service contract form. When line extension, short term service, seasonal intermittent service is involved, an appropriate term contract may be required.

(D) ICE MANUFACTURING:

(1) *Applicable:*

To ice manufacturing plants for power purposes when customer contracts for a demand of 20 kw or more. Incidental lighting essential and accessory to plant operation is permitted where customer provides all lighting transformers and auxiliary equipment. Light for commercial or retail sales or operation for dwellings will be billed under applicable lighting schedule.

(2) *Character of service:*

A-C, 60 cycles, 3-phase, 115/230, 120/208, 230, 460, 4,000, 13,800 volts.

(3) *Rates:*

For service during operating season.

(4) *Demand charge:*

Includes 609 kwh per kw demand.

\$146.25 for the first 20 kw demand, or less.

\$4.875 per kw next 20 kw demand.

\$3.663 per kw all additional kw demand.

(5) *Energy charge:*

2.58¢ per kwh next 30 kwh per kw demand.

1.95¢ per kwh next 3,000 kwh.

1.06¢ per kwh all additional kwh

The above rate is applicable to service for the period beginning on the meter reading date in the period April 15--May 15 each year, unless an earlier date is agreed upon, and continuing for full months until the minimum bill for the operating season is paid.

For service during the nonoperating season: During period not part of the operating season, the above rates apply except that the average rate per kwh in any month will not exceed 125 percent of the average rate per kwh billed for the entire operating season.

(6) *Minimum bill for operating season:*

\$1.00 per kw of demand, but not less than \$20.00 during months in which service is connected.

(7) *Adjustments:*

See (3) *Rate adjustments under (A) RESIDENTIAL SERVICE.*

(E) INDUSTRIAL SERVICE:

(1) *Applicable:*

To all electric service required by customer on premises, when supplied at one point of delivery and measured through one kilowatt hour meter.

Applicable to standby and supplementary service only in conjunction with the applicable rider for such service.

Not applicable to temporary, breakdown, resale or shared service.

(2) *Character of service:*

Three phase, 60 cycles and at one standard nominal voltage required by customer, as described in public service commission's standards for electrical installations.

(3) *New monthly rate:*

\$650.00 for the first 200 kw or less of demand

\$2.60 per kw for all additional kw of demand

\$1.54¢ per kwh for the first 75,000 kwh

\$1.22¢ kwh for all additional kwh

(4) *Minimum bill:*

The demand charges for the maximum kw specified in the agreement for service or for the highest demand previously established, whichever is the greater; or such higher amount as may be required from line extension customers.

(5) *Adjustments:*

See (3) *Rate adjustments under (A) RESIDENTIAL SERVICE.*

(6) *Demand:*

The average kw supplied during the 15-minute period of customer's greatest use during the current month, but not less than the highest of the following:

(a) 50 percent of the highest kw previously so established.

(b) The minimum kw provided in the agreement for service.

(c) 200 kw.

If the power factor at point of measurement is found to be less than 85 percent, demand measurement may also be made by kva demand meter, in which case one kva as registered will be considered as 0.85 kw, but not less than the actual kw.

(7) *Payment:*

Bills are due and payable each month upon presentation. If a bill is not paid within ten days from the date thereof, the commission shall have the right to suspend service.

(8) *Contract period:*

Not less than five years, in accordance with commission's agreement for electric service form.

(Code 1962, §§ 22-5, 22-6; Ord. of 5-13-63, § 1; Ord. of 9-9-63, § 1; Ord. of 9-23-63, § 1; Ord. of 10-9-67, § 1; Ord. of 6-9-75, § 1)

Sec. 22-33. Industrial rates for water, sewerage and electric service.

Industrial water, sewerage and electrical power, energy and service may be furnished under contract and by contract rate established thereby and not necessarily the rates set out in this article, and upon such terms and conditions as may be determined by the city and set forth in such contract.

(Code 1962, §§ 22-2, 22-6)

Sec. 22-34. No free service; exceptions.

No free water, sewerage or electrical service shall be furnished by the city or its water, sewerage or electricity generating and/or distribution system to any private person; but the city may furnish such service free of charge to the city or any agency or department thereof, to any

public school or to any hospital or benevolent institution located within the city, including county, city and community fairs.

(Code 1962, §§ 22-3, 22-7)

Sec. 22-35. Method of billing and collecting charges.

- (a) The public service commission shall bill for and collect the charges provided for in this article at the rates and on the terms and conditions set forth herein, and shall determine the periods of billing, the delinquent dates thereof, the due dates thereof, and such service charges as may be proper for delinquent and unpaid accounts and connection and disconnection fees, by resolution or order entered upon the minutes of said commission.
- (b) The service charges, shall be included each month on the bills rendered by the city through its public service commission in accordance with its standard billing practices. Said charges shall be rendered for each month. Failure to pay the sewer service charges on the same basis as charges made for electric and water service shall be grounds for terminating utility service by the serving utility.
- (c) The charges based on metered measurement of volume discharged to the sewer system, and/or surcharge based on waste water strength, shall be paid monthly to the public service commission in a manner prescribed by the commission. Penalty for late payment will be assessed on the same basis as penalties charged by the serving utility for other services.

(Code 1962, § 22-4; Ord. of 6-11-73, §§ 5, 6)

Secs. 22-36--22-39. Reserved.

ARTICLE III. GARBAGE AND TRASH DISPOSAL *

***Cross references: Littering, unlawful accumulations, § 13-20 et seq.**

State law references: Authority to provide solid waste disposal service, Miss. Code 1972, § 17-17-5; regulations thereof, § 17-17-7 et seq.; garbage disposal system and rubbish disposal system included within term "utilities," §§ 21-27-11, 21-27-23.

DIVISION 1. GENERALLY

Sec. 22-40. "Garbage" defined.

For the purpose of this article, the word "garbage" shall be held and construed to mean every refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, consumption, merchandising or storing of food or food products.

(Code 1962, § 12-1)

Sec. 22-41. Uniform residential garbage collection; approved containers required; placement of containers for collection; and uniform fee for collection.

- (a) It is hereby declared to be the policy of the city that the sanitation department shall collect residential garbage only from city-approved garbage containers. The owners or occupants of every residence within this city shall provide his own city-approved garbage container which shall be purchased from the city. The city shall sell residents such garbage containers at cost to the city, if new, and at a price less than cost if used.
- (b) The occupant of any premises shall provide a sufficient number of city approved garbage containers which shall be placed at places and times designated by the street superintendent for the collection and transportation by the city of such garbage.
- (c) The city shall assess and collect a uniform fee for residential garbage collection in the amount of \$8.00 per month per residence. (Residence is hereby defined as a single-family dwelling unit).

- (d) The uniform residential garbage collection fee is hereby declared to be a utility charge and the Public Service Commission of Yazoo City is hereby authorized, empowered and directed to collect said uniform residential garbage collection fee by the assessment of the same in its residential bills in the manner provided by section 22-35 of this Code. Upon failure of any person to pay such uniform residential garbage collection fee when due shall subject such person to such action by or for or on behalf of the Public Service Commission of Yazoo City, as such person would be subject to for his failure to timely pay any other portion of his utility charges.

(Code 1962, §§ 12-2, 12-9; Ord. of 4-22-85, §§ 1--3; Ord. of 8-28-86, § 1; Ord. of 10-17-86, § 1; Ord. of 9-14-92, § 1)

Sec. 22-42. Rubbish receptacles.

The owner, tenant, or occupant of each business establishment, place of business, commercial establishment or business in the city, shall provide on the premises of such place a container made of wood, wire or such other material as may be practical, in which litter, boxes, paper, crates, containers, trash and debris from said premise shall be stored or deposited so that the same shall be readily accessible to and picked up and removed by the sanitation, trash or garbage service furnished by the city, such containers to have a top to prevent such debris deposited therein from being scattered by the wind or otherwise, and an entrance or door from which the same may be readily removed to trucks picking up the same. Such containers shall be built and located in such manner as may be approved by the street department of the city, in accordance with regulations adopted by the governing body, on recommendations of such street department.

(Ord. of 8-28-72, § 1)

Secs. 22-43--22-50. Reserved.

DIVISION 2. PRIVATE COLLECTORS*

***Editor's note: At the editor's discretion, ordinances (4) adopted May 23, 1983, have been codified as herein set out in Ch. 22, Art. III, Div. 2, §§ 22-51--22-54.**

Sec. 22-51. License or permit required; fee.

- (a) It shall be unlawful for any person to operate a solid waste disposal vehicle or equipment or to collect, pickup or dispose of garbage or other solid waste unless the clerk of the city shall have issued a license or permit to such person or enterprise.
- (b) The annual fee for a license or permit for a person or private enterprise to pickup, collect or dispose of garbage or other solid waste without a contract with the city shall be \$150.00.

(Ord. of 5-23-83, §§ 1, 2)

Sec. 22-52. Filing schedule of rates prerequisite to issuance of license.

The clerk of the city shall not issue a license or permit to any applicant for the purpose of operating a garbage collection service or solid waste disposal service within the city, without a contract with the city, without the applicant first filing with the clerk a schedule of his, her or its rates.

(Ord. of 5-23-83, § 1)

Sec. 22-53. Operation of vehicles and equipment, insurance required.

- (a) It shall be unlawful for any person operating a solid waste disposal vehicle or equipment for hire within the city to have or place in service any such motor vehicle or equipment unless such person shall first secure motor vehicle liability insurance on said motor vehicle, providing for bodily injury, liability and uninsured motorist coverage, with each coverage

- having a minimum limit of liability for each accident in the amount of \$25,000.00.
- (b) Each motor vehicle liability policy shall provide in its body a provision that the city shall be provided with a copy of any termination notice affecting said policy, said notice to be delivered not less than ten days prior to the effective date of such cancellation.
 - (c) The clerk of the city shall not issue a license or permit to any applicant for the purpose of operating a solid waste disposal motor vehicle or equipment within the city without the applicant first presenting proof to said clerk that:
 - (1) The applicant meets the requirements set out in subsections (a) and (b) above; and
 - (2) The applicant or his employee driver possesses a current, valid Mississippi commercial driver's license.

(Ord. of 5-23-83, §§ 1--3)

Sec. 22-54. Littering by loss of solid waste during haulage.

- (a) It shall be unlawful for any person or private enterprise operating a solid waste disposal vehicle or equipment within the city, without a contract with the city and engaged in the private business of hauling solid waste to cause littering of streets and highways or cause a nuisance or hazard to the public health because the trucks or other vehicles so engaged are not covered, secured or sealed so that there will be no loss during haulage.
- (b) The violation of the provisions set out in subsection (a) above shall be punished by a fine not exceeding \$500.00 or imprisonment for a term not exceeding 180 days, or both, in the discretion of the police justice. Each day any violation of this provision shall continue shall constitute a separate offense.
- (c) In addition to the penalty hereinabove provided, violation of subsection (a) herein shall be deemed a public nuisance and may be abated by the city, as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.

(Ord. of 5-23-83, §§ 1--3)

Cross references: Littering generally, § 13-20.

APPENDIX A ZONING*

***Editor's note: The comprehensive zoning ordinance of the city, as enacted by the city on July 22, 1985, and as amended and/or superseded by subsequent ordinances, is on file in the office of the city clerk.**

Cross references: Airport zoning regulations, § 3-20 et seq.; permit to locate mobile homes in city, § 6-25; keeping of hogs, § 5-10; permit to keep more than four dogs and cats, § 5-13; payment of rezoning application costs, § 10-6; city planning commission and master plan, Ch. 17; subdivisions, App. B.

State law references: Municipal authority as to comprehensive zoning plan and zoning regulations, Miss. Code 1972, §§ 17-1-3--17-1-37.

APPENDIX B SUBDIVISIONS*

***Editor's note: The subdivision ordinance, enacted on Aug. 9, 1960, and as amended or superseded by subsequent ordinances, is on file and available for inspection in the office of the city clerk.**

Cross references: Planning commission to regulate, § 17-3; regulations as to streets generally, Ch. 18; flood damage protection, § 6-8(B)(4).

State law references: As to authority and requirements, see Miss. Code 1972, § 17-1-23 et

seq.; approval of maps, § 21-19-63.

CODE COMPARATIVE TABLE

1962 CODE

This table gives the location within this Code of those sections of the 1962 Code, which are included herein. Sections of the 1962 Code not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of ordinances adopted subsequent thereto, see the table immediately following this table.

TABLE INSET:

1962 Code Section	Section this Code
2-1	2-1
2-2	10-2
2-4	10-4
2-5	10-4, 10-5
2-6	1-9
2-7	1-10
2-16	2-20
2-17	2-21, 2-26
2-18	2-27
2-19(a)--2-19(c)	2-22--2-24
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CODE COMPARATIVE TABLE ORDINANCES

This table gives the location within this Code of those ordinances adopted since the 1962 Code, which are included herein. Ordinances adopted prior to such date were incorporated into the 1962 Code, a table of which immediately precedes this table. Ordinances not listed herein have been omitted as repealed, superseded or not of a general and permanent nature.

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