Title 33: Rivers and Waters

REGULATIONS OF THE PEARL RIVER VALLEY WATER SUPPLY DISTRICT AN AGENCY OF THE STATE OF MISSISSIPPI RELATING TO USE OF RESERVOIR PROJECT AREA

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Title 33: Rivers and Waters

REGULATIONS OF THE PEARL
RIVER VALLEY WATER SUPPLY DISTRICT
AN AGENCY OF THE STATE OF MISSISSIPPI
RELATING TO USE OF RESERVOIR PROJECT AREA

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REGULATIONS OF THE
PEARL RIVER VALLEY WATER SUPPLY DISTRICT
AN AGENCY OF THE STATE OF MISSISSIPPI
RELATING TO USE OF RESERVOIR PROJECT AREA

Title 33: River and Waters

Part 201: Authority and Procedures

Introduction. These regulations are adopted and promulgated by the Board of Directors of the Pearl River Valley Water Supply District pursuant to the authority granted by and in conformity with the provisions of Section 51-9-127, Mississippi Code of 1972, as amended, to secure, maintain, and preserve the sanitary condition of all water in and to flow into the Reservoir, to prevent waste of water or the unauthorized use thereof, and to regulate residence, hunting, fishing, boating, camping, circulation of vehicular traffic on land, the parking of vehicles, and all recreational and business privileges in, along, or around the Reservoir, any body of land or any easement owned by the District.

Part 201 Chapter 1: Organization of the District.

Introduction. In accordance with Section 25-43-2.102 of the Mississippi Administrative Procedures Law, this chapter describes the Pearl River Valley Water Supply District's duties and responsibilities, the organization of the Pearl River Valley Water Supply District's Office, its methods of operation, and how the public can contact the agency to make submissions or requests. The procedure for "Production of Public Records" is set forth in Part 210 of these Regulations.

> *Rule 1.1 Board of Directors.* The Pearl River Valley Water Supply District is an agency of the State of Mississippi created pursuant to the Pearl River Valley Water Supply District Law, Title 51, Chapter 59 of the Mississippi Code of 1972, as amended. The District is composed of five counties: Hinds, Leake, Madison, Rankin and Scott. The District is governed by a fourteen member Board of Directors. The Governor of the State of Mississippi appoints five directors. The Board of Supervisors of each of the five counties appoints one director each. The Mississippi Commission on Environmental Quality, the Mississippi Commission on Wildlife, Fisheries, and Parks, the Forestry Commission and the State Board of Health each appoint one director to the District's Board. The Board of Directors employs a General Manager who is in charge of the routine operation of the business of the District.

Pursuant to The Pearl River Valley Water Supply District Reservoir Patrol Officer Law, the District employs patrol officers who may exercise the same powers of arrest and the right to bear firearms that may be exercised by any state, municipal or other police officer in this state with respect to violations of law or regulations committed on property owned by the District.

The District is also authorized by the Metropolitan Area Water Supply Act to construct, maintain and operate a water treatment plant and regional water distribution system.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 1.2 *Methods of Operations.* All policy and rulemaking authority is vested in the Board of Directors. The Board delegates the routine operations and personnel supervision to the General Manager. The General Manager operates within the following operating divisions:

(a) Agency Head.

(b) Engineering.

(c) Construction & Maintenance.

(d) Water & Sewer Operations.

(e) Finance & Personnel.

(f) Parks & Recreation.

(g) Parks & Public Facilities Maintenance.

(h) Campgrounds & Recreational Facilities.

(i) Reservoir Patrol.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 1.3 *Responsibilities.* The District was established for the accomplishment of the following general purposes as stated in the following Legislative determination and declaration of policy: "It is hereby declared, as a matter of legislative determination, that the waterways and surface waters of the state are among its basic resources, that the overflow and surface waters of the state have not heretofore been conserved to realize their full beneficial use, that the preservation, conservation, storage, and control of such waters are necessary to insure an adequate, sanitary water supply at all times, to promote the balanced economic development of the state, and to aid in flood control, conservation and development of state forests, irrigation of lands needing irrigation, and pollution abatement. It is further determined and declared that the preservation, conservation, storage, and control of the waters of the Pearl River and its tributaries and its overflow waters for domestic, municipal, commercial, industrial, agricultural, and manufacturing purposes, for recreational uses, for flood control, timber development, irrigation, and pollution abatement are, as a matter of public policy, for the general welfare of the entire people of the state. The creation of the Pearl River Valley Water Supply District is determined to be necessary and essential to the accomplishment of the aforesaid purposes."

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 201 Chapter 2: Public Information and Requests.

Rule 2.1 *Contacting the Pearl River Valley Water Supply District's Office.* The Pearl River Valley Water Supply District's Office may be contacted in person, by U.S. Mail, Courier mail, e-mail, telephone, facsimile and e-mail. The Pearl River Valley Water Supply District also maintains and provides a Website on the Internet at www.therez.ms.

(a) Location of the Pearl River Valley Water Supply District's Office. The Pearl River Valley Water Supply District maintains its office at 115 Madison Landing Circle, Ridgeland, Mississippi 39157.

(b) The mailing addresses for the Pearl River Valley Water Supply District is Post Office Box 2180, Ridgeland, Mississippi 39158.

(c) Courier Mail should be delivered to the office street address listed above.

(d) The Pearl River Valley Water Supply District's Office may be contacted by telephone at 601-856-6574 and by fax at 601-856-2585.

(e) The primary E-mail address for the Pearl River Valley Water Supply District's Office may be accessed from the Website.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 2.2 *Requesting Information.*

(a) The District strives to serve the public by making information regarding recreational, hunting, fishing and camping opportunities readily available. Printed information may be obtained from the District's office. There may be a charge, depending on the nature of the information. The public is also encouraged to visit the District's Website.

(b) With regard to public records, it is the policy of the District to provide for inspection and copying of its identifiable public records by all people of the State of Mississippi who request such inspection or copying, consistent with the provisions of the Mississippi Public Records Act, § 25-61-1 through § 25-61-17, Mississippi Code of 1972, as amended ("Public Records Act"), and other applicable laws and judicial decisions. The procedure for a public records request is set forth in Part 210 of these Regulations.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 201 Chapter 3: Rulemaking Oral Proceedings.

Introduction. This rule applies to all oral proceedings held for the purpose of providing the public with an opportunity to make oral presentations on proposed new rules and regulations and amendments to rules and regulations before the District pursuant to the Administrative

Procedures Law. This rule does not apply to actions not subject to the Administrative Procedures Law.

Rule 3.1 *Procedures For Requesting an Oral Proceeding.* Where an oral proceeding has not previously been held or scheduled, the District will conduct an oral proceeding on a proposed rule or amendment if requested by a political subdivision, an agency or ten (10) persons in writing within twenty (20) days after the filing of the notice of the proposed rule.

(a) Each request must be printed or typewritten, or must be in legible handwriting. Each request must be submitted on standard business letter size paper (8-112 inches by 11 inches).

(b) The request may be the form of a letter addressed to the District or as a pleading filed with a court. The request should be mailed to the attention of the General Manager.

(c) Each request must include the full name, telephone number, and mailing address of the requestor(s).

(d) All requests shall be signed by the person filing the request, unless represented by an attorney, in which case the attorney may sign the request.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 3.2 *Scheduling an Oral Proceeding.* The date, time and place of all oral proceedings shall be filed with the Secretary of State's office and mailed to each requestor. The oral proceedings will be scheduled no earlier than twenty (20) days from the filing of this information with the Secretary of State.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 3.3 *Presiding at Oral Proceeding.* The General Manager or designee, who is familiar with the substance of the proposed rule, shall preside at the oral proceeding on a proposed rule.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 3.4 *Participation at Oral Proceeding.* Public participation shall be permitted at oral proceedings in accordance with the following sections.

(a) At an oral proceeding on a proposed rule, persons may make oral statements and make documentary and physical submissions, which may include data, views, comments or arguments concerning the proposed rule.

(b) Persons wishing to make oral presentations at such a proceeding shall notify the District at least ten (10) business days prior to the proceeding and indicate the

general subject of their presentations. The presiding officer in his or her discretion may allow individuals to participate who have not previously contacted the District.

(c) At the proceeding, those who participate shall indicate their names and addresses, identify any persons or organizations they may represent, and provide any other information relating to their participation deemed appropriate by the presiding officer. Each group or organization should nominate only one person to make the presentation unless the presiding officer determines that the group or organization cannot reasonably be represented by a single spokesperson.

(d) The presiding officer shall place time limitations on individual oral presentations to assure the orderly and expeditious conduct of the oral proceeding. To encourage joint oral presentations and to avoid repetition, additional time may be provided for persons whose presentations represent the views of other individuals as well as their own views.

(e) Persons making oral presentations are encouraged to avoid restating matters that have already been submitted in writing. Written materials may, however, may be submitted at the oral proceeding.

(f) There shall be no interruption of a participant who has been given the floor by the presiding officer, except that the presiding officer may in his or her discretion interrupt or end the partisan's time where the orderly conduct of the proceeding so requires or when the allotted time has expired.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 3.5 *Conducting Oral Proceeding.* The presiding officer shall have authority to conduct the proceeding in his or her discretion for the orderly conduct of the proceeding. The presiding officer shall (i) call proceeding to order; (ii) give a brief synopsis of the proposed rule, a statement of the statutory authority for the proposed rule, and the reasons provided by the District for the proposed rule; (ii) call on those individuals who have contacted the District about speaking on or against the proposed rule; (iii) allow for rebuttal statements following all participant's comments; (iv) adjourn the proceeding.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 3.6 *General Discussion.* The presiding officer where time permits and to facilitate the exchange of information, may open the floor to questions or general discussion. The presiding officer may question participants and permit the questioning of participants by other participants about any matter relating to that rulemaking proceeding, including any prior written submissions made by those participants in that proceeding; but no participant shall be required to answer any question.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 3.7 *Record of Submissions.* Submissions presented by participants in an oral proceeding shall be submitted to the presiding officer. Such submissions become the property of the District, become part of the rulemaking record, and are subject to the District's public records request procedure.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 3.8 *Recording of Oral Proceeding.* The District may record oral proceedings by stenographic or electronic means.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 201 Chapter 4: Requests for Declaratory Opinions.

Introduction. These sections set forth the District's rules governing the form and content of requests for declaratory opinions, and the District's procedures regarding the requests, as required by Mississippi Code § 25-43-2.103. These sections do not apply to actions of the District not subject to the Administrative Procedures Act.

Rule 4.1 *Who May Request a Declaratory Opinion.* Any person with a substantial interest in the subject matter may request the District for a declaratory opinion by following the specified procedures.

(a) "Substantial interest in the subject matter" as used in this chapter means: that a party is directly affected by the District's administration of the laws within the District's primary jurisdiction.

(b) "Primary jurisdiction of the District" as used in this chapter means the District has a constitutional or statutory grant of authority in the subject matter at issue.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 4.2 *Issuance of a Declaratory Opinion.* The District will issue declaratory opinions regarding the applicability to specified facts of:

(a) a statute administered or enforceable by the District,

(b) a rule promulgated by the District, or

(c) an order issued by the District.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 4.3 *Reasons For Refusal of Declaratory Opinion Request.* The District may, for good cause, refuse to issue a declaratory opinion. Without limiting the generality of the foregoing, the circumstances in which declaratory opinions will not be issued include, but are not necessarily limited to:

(a) the matter is outside the primary jurisdiction of the District;

(b) lack of clarity concerning the question presented;

(c) there is pending or anticipated litigation, administrative action, or other adjudication which may either answer the question presented by the request or otherwise make an answer unnecessary;

(d) the statute, rule, or order on which a declaratory opinion is sought is clear and not in need of interpretation to answer the question presented by the request;

(e) the facts presented in the request are not sufficient to answer the question presented;

(f) the request fails to contain information required by these rules or the requestor failed to follow the procedure set forth in these rules;

(g) the request seeks to resolve issues which have become moot, or are abstract or hypothetical such that the requestor is not substantially affected by the rule statue or order on which a declaratory opinion is sought;

(h) no controversy exists concerning the issue as the requestor is not faced with existing facts or those certain to arise which raise a question concerning the application of the statute, rule, or order;

(i) the question presented by the request concerns the legal validity of a statute, rule or order;

(j) the request is not based upon facts calculated to aid in the planning of future conduct, but is, instead, based on past conduct in an effort to establish the effect of that conduct;

(k) no clear answer is determinable;

(l) the question presented by the request involves the application of a criminal statute or sets for facts which may constitute a crime;

(m) the answer to the question presented would require the disclosure of information which is privileged or otherwise protected by law from disclosure;

(n) the question is currently the subject of an Attorney General's opinion request; or,

(o) the question has been answered by an Attorney General's opinion.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 4.4 *Similar Pending Request.* A declaratory opinion will not be issued where a similar request is pending before this agency, or any other agency or a proceeding is

pending on the same subject matter before any agency, administrative or judicial tribunal, or where such an opinion would constitute the unauthorized practice of law.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 4.5 *Litigation.* A declaratory opinion will not be issued if it may adversely affect the interests of the State, the District, or any of their officers or employees in any litigation which is pending or may reasonably be expected to arise.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 4.6 *Question of Law.* Where a request for a declaratory opinion involves a question of law, the District may refer the matter to the State Attorney General.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 4.7 *Preemptive Determination.* A declaratory opinion will not be issued where the question involves eligibility for a license, permit, certificate or other approval by the District or some other agency, and there is a statutory or regulatory application process by which eligibility for said license, permit, or certificate or other approval may be determined.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 201 Chapter 5: Written Requests Required.

Rule 5.1 *Written Request.* Each request must be printed, typewritten or in legible handwriting. Each request must be submitted on standard business letter size paper (8 1/2" by 11"). Requests may be in the form of a letter addressed to the District or in the form of a pleading as might be addressed to a court. Information should be sent to the attention of the General Manager.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 5.2 *Mailing of Request.* All requests must be mailed or delivered to the District. The request and its envelope shall clearly state that it is a request for a declaratory opinion. Oral and telephone requests are unacceptable.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 5.3 *Certification of Request.* Each request must include the full name, telephone number, and mailing address of the requestor. All requests shall be signed by the person filing the request, unless represented by an attorney, in which case the attorney may sign the request. The signing party shall attest that the request complies with the requirements set forth in these rules, including but not limited to a full, complete, and accurate statement of relevant facts and that there are no related proceedings pending before any agency, administrative or judicial tribunal.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 5.4 *Limit of Request.* A request must be limited to a single transaction or occurrence.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 5.5 *Requirements of Request.* Each request must contain the following:

(a) a clear identification of the statute or rule at issue;

(b) the question for the declaratory opinion;

(c) a clear and concise statement of all facts relevant to the question presented;

(d) the identify of all other known persons involved in or impacted by the factual situation causing the request including their relationship to the facts, name, mailing address and telephone number; and,

(e) a statement sufficient to show that the person seeking relief has a substantial interest in the subject matter.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 5.6 *Form and Content of Opinion.* The terms of the proposed opinion suggested by the requestor may be submitted with the request but the form and content of the opinion remains within the discretion of the District.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 5.7 *Argument.* A request may contain an argument by the requestor in support of the terms of the proposed opinion suggested by the requestor. The argument may be submitted in the form of a memorandum of authorities, containing a full discussion of the reasons and any legal authorities, in support of such position of the requestor. The District may request that the argument and memorandum of authorities be submitted by any interested party.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 5.8 *District's Actions.* Within forty-five (45) days after the receipt of a complete request for a declaratory opinion which complies with the requirements of these rules, the District shall, in writing:

(a) issue an opinion declaring the applicability of the specified statute, rule, or order to the specified circumstances;

(b) agree to issue a declaratory opinion or a written statement by a specified time but no later than ninety (90) days after receipt of the written request; or,

(c) decline to issue a declaratory opinion, stating the reasons for its action.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 5.9 *45-Day Period.* The forty-five (45) day period shall begin on the first State of Mississippi business day that the request is received by the District.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 5.10 *60-Day Holding Period.* A declaratory opinion shall not become final until the expiration of sixty (60) days after the issuance of the opinion. Prior to the expiration of sixty (60) days, the District may, in its discretion, withdraw or amend the declaratory opinion for any reason which is not arbitrary or capricious. Reasons for withdrawing or amending an opinion include, but are not limited to, a determination that the request failed to meet the requirements of these rules or that the opinion issued contains or was based on a legal or factual error.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 5.11 *Notice to Third Parties.* The District may give notice to any person that a declaratory opinion has been requested and may receive and consider data, facts, arguments and opinions from persons other than the requestor.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 5.12 *Schedule of Interested Persons.* The requestor, or his attorney, shall append to the request for a declaratory opinion a listing of all persons, with addresses, known to the requestor who may have an interest in the declaratory opinion sought to be issued, and shall mail a copy of the request to all such persons. The requestor or his attorney shall certify that a copy of the request was mailed to all such persons together with this statement: "Should you wish to participate in the proceedings of this request, or receive notice of such proceedings or the declaratory opinion issued as a result of this request, you should contact the District within twenty days of the date of this request."

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 201 Chapter 6: Hearings Optional.

Rule 6.1 *Scheduling a Hearing.* If the District in its sole discretion deems a hearing necessary or helpful in determining any issue concerning a request for a declaratory opinion, the District may schedule such a hearing. Notice of the hearing shall be given to all interested parties unless waived. Notice mailed by first class mail 7 calendar days prior to the hearing shall be deemed appropriate.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 6.2 *Procedure for Conducting a Hearing.* Procedure for conducting a hearing, including but not limited to the manner of presentation, the time for presentation, and whether and how evidence may be taken, shall be within the discretion of the District.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 6.3 *Participation in a Hearing.* The District shall allow the requestor to participate in any hearing. The District may allow any other persons or entities to participate in the hearing in its discretion. Submission of a request for a declaratory opinion or for a hearing does not automatically entitle the requestor to a hearing.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 6.4 *Inspection.* Declaratory opinions and requests for declaratory opinions shall be available for public inspection and copying in accordance with Part 210 of these Regulations. All declaratory opinions and requests shall be indexed by name and subject. Declaratory opinions and requests which contain information which is confidential or exempt from disclosure under the Mississippi Public Records Act or other laws shall be exempt from this requirement and shall remain confidential.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Title 33: River and Waters

Part 202: Definitions

Part 202 Chapter 1: Board.

Rule 1.1 *Board* means the Board of Directors of the District.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 202 Chapter 2: District.

Rule 2.1 *District* means the Pearl River Valley Water Supply District.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 202 Chapter 3: District Building Inspector.

Rule 3.1 *District Building Inspector* means the employee designated as such by the General Manager.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 202 Chapter 4: General Manager.

Rule 4.1 *General Manager* means the person employed by the Board from time to time as the General Manager.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 202 Chapter 5: Reservoir.

Rule 5.1 *Reservoir* means the waters of the Ross Barnett Reservoir.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 202 Chapter 6: Reservoir Project Area.

Rule 6.1 *Reservoir Project Area* means the Ross Barnett Reservoir and any body of land or easement owned by the District.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Title 33: River and Waters

Part 203: Regulations Pertaining To Use Of Reservoir Project Area By General Public

Part 203 Chapter 1: Motor Vehicles.

Title 33
Part 203
Chapter 1: Regulations Pertaining to Use of Reservoir Project Area by General Public

Rule 1.1 Speed Limits.

(a) It shall be unlawful for any Person to operate a motor vehicle within the Reservoir Project Area at speeds greater than the following:

(i) On the roadway across the reservoir dam or on the causeway across Pelahatchie Bay in Rankin County, 55 miles per hour, except as provided in Part 203 Rule 1.1 (a) (ii).

(ii) On any roadway over any dike, levy, groin, jetty or mole appurtenant to the reservoir main dam, a maximum of twenty-five (25) miles per hour.

(iii) On all streets, drives or roadways in any platted subdivision within the Reservoir Project Area, 30 miles per hour.

(iv) On all other roads, roadways, streets and drives within the Reservoir Project Area, 45 miles per hour.

(b) Each violation of this regulation shall constitute a misdemeanor and shall be punishable by a fine of not more than One Hundred Dollars ($100.00).

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 1.2 Parking.

(a) It shall be unlawful for any Person to park an automobile or other vehicle on any part of the reservoir main dam or any dike, levy, groin, jetty, or mole appurtenant thereto, or on the causeway across Pelahatchie Bay in Rankin County or within one hundred (100) feet of any public boat launching ramp, or within any public park or any public recreation area within the Reservoir Project Area, except at places designated for such parking by posted signs, or on any portion of the Reservoir Project Area adjacent to the South and East sides of Rice Road between the diversion canal for Culley/Brashears Creek and the South and East rights-of-way of the Natchez Trace in Madison County. A vehicle stopped to load or unload passengers or property shall be deemed to be parked for purposes of this regulation.

(b) Any area described in Part 203 Rule 1.2 (a) which is not designated as a parking area may be designated a "Tow Away Zone" by the posting of signs stating "Tow

Away Zone-Vehicle Will be Towed Away at Owner's Expense." Any vehicle left unattended in a designated Tow Away Zone may be towed away and held until the owner shall pay the towing charges.

(c) It shall be unlawful for any Person to park any automobile or other vehicle within any portion of the Reservoir Project Area identified by a sign or signs stating "NO STOPPING NEXT (stated distance) MILES, Stopped Vehicles will be Towed at Owner's Expense" or similar language. If any Reservoir Police officer finds an attended or unattended vehicle parked in violation of this rule, such officer is authorized to provide for the immediate removal of such vehicle to the a storage site or other place of safety, and the owner of the vehicle shall pay all costs of removal, safety inspection and storage prior to obtaining possession of the vehicle.

(d) Prohibited Parking or Storage of Vehicles in Front and Side Yards, Sidewalks and on Public Streets or Rights-of-Way: No vehicle shall be parked or stored in any front yard or side yard within any residential area, except within a garage, carport, apron or driveway. Driveways cannot cover more than 50% of the front yard and a driveway must be solid surfaced with brick, asphalt or concrete.

Parking and/or storage of any vehicle on a public street, sidewalk or public right-of-way is prohibited**.** EXCEPTIONS: Parking for isolated, non-reoccurring gatherings, parties or visitors will be permitted. Parking will be permitted in residential subdivisions where signage has been posted indicating where on-street parking is allowed.

Unless prohibited by the covenants of a residential area:

(i) Utility trailers, transient trailers, enclosed trailers, and the like not exceeding 18 feet in cargo area length must be parked or stored within an enclosed garage or open carport or behind the back line of the building (rear yard). Such items may be parked in the driveway, front or side yard for loading/unloading, clearing or repair for a period not to exceed seventy-two (72) hours. No utility trailer, transient trailer, enclosed trailer, or the like exceeding 18 feet in cargo area length shall be parked or stored within any residential area of the Reservoir Project Area.

(ii) Boats, jet skis, other water craft, All-Terrain Vehicles (ATV) shall be parked or stored within an enclosed garage or open carport or behind the back line of the building (rear yard). Such items may be parked in the driveway, front or side yard for loading/unloading, cleaning or repair for a period not to exceed seventy-two (72) hours.

(iii) Any trailer, boat, jet ski, other water craft or ATV that cannot be stored in a garage, carport, or rear yard may be parked on the premises' driveway under the following conditions:

(1) Any trailer, boat, jet ski, other water craft or ATV shall be in a current state of registration and licensing with the State of Mississippi with the license plate affixed thereto;

(2) Any trailer subject to this regulation shall be in operable condition with inflated tires, license plate affixed thereto, and in road worthy condition; and

(3) Any boats, jet skis, other water craft or All-Terrain Vehicles (ATV) located upon trailers shall be in a good and operable condition and any and all boats, jet skis, water craft, or trailers shall be free of garbage, trash, refuse, debris, or other items in violation of Pearl River Valley Water Supply District Rules 6.1 and 6.7.

(iv) Recreational vehicles, defined as a Class A, Class B, or Class C motor home, fifth wheels, travel trailers, or travel campers may not be parked in a residential area within the Reservoir Project Area and must be stored off site. Such items may be stored at a residential area in the Reservoir Project Area under special circumstances, which must be approved by the Pearl River Valley Water Supply District Board of Directors. The Board of Directors may grant a permit pursuant to the then existing PRV fee structure to allow parking such items which would otherwise violate this regulation. The applicant must show to the Board of Directors special circumstances, no adverse effect on the residence or the subdivision and that grant of the permit is not a violation of the subdivision's covenants. Special circumstances shall include, but are not limited to, situations in which the leaseholder has invested substantial capital and made significant renovations or incurred significant construction costs prior to the adoption of this regulation. In making this determination, the Board of Directors may also take into consideration whether the Recreational Vehicle will be housed in an enclosed building or covered awning located on the premises and which was constructed prior to the adoption of this regulation. In order to justify special circumstance, said enclosed building or awning must be in a good and not dilapidated condition. Such vehicles may be parked in the driveway, front or side yard for loading/unloading, cleaning or repair for a period not to exceed seventy-two (72) hours. A recreational vehicle shall not be used as a residence within the Reservoir Project Area when not located within a campground or park.

(v) No Specialty Vehicle shall be parked at any residence in the Reservoir Project Area, except when the same is actually being used for its normal purposes. Specialty vehicles shall be defined as a motor vehicle manufactured by a second stage manufacturer by purchasing motor vehicle components, e.g. frame and drive train, and completing the manufacture of finished motor vehicles for the purpose of resale with the primary manufacturer warranty unimpaired, to a limited commercial market rather than the consuming public. Specialty vehicles shall include garbage trucks, ambulances, fire trucks, buses, limousines, hearses, wreckers, landscape specialty trucks, box trucks, food trucks, and other similar limited purpose vehicles. Law enforcement vehicles or handicapped accessible vans are excepted from the provisions of this Regulation.

(vi) No heavy equipment, defined as ground engaging equipment greater than 4,000 pounds, including, but not limited to, bulldozers, back hoes, track hoes, skid steer loaders, or the like may be parked or stored within any subdivision or residence within the Reservoir Project Area.

(vii) Construction trailers and heavy equipment may be located on residential properties in the Reservoir Project Area during construction provided a permit has been issued by the Pearl River Valley Water Supply District Building Director or, for construction or maintenance that does not require a permit, for a period not to exceed seventy-two (72) hours. Construction trailers and heavy equipment may not be parked, located on, or stored at a residential site within the Reservoir Project Area unless a part of a construction or maintenance project.

(viii) Each violation of this regulation shall constitute a misdemeanor and shall be punishable by a fine of not more than One Thousand Dollars ($1,000.00).

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 1.3 *Traffic Control at Public Parks of the District*.

(a) It shall be unlawful for any vehicle to enter Lakeshore Park, Old Trace Park or Pelahatchie Shore Park or any other public park of the District where a toll gate is maintained and attended unless the operator or other occupant of the vehicle shall first have paid to the toll gate attendant a traffic fee as posted at the toll gate, not to exceed $5.00 per vehicle, for each entrance into such park, provided that a vehicle for which a traffic fee has been paid may within the same calendar day be allowed to leave and enter such park one time without paying a second fee. An annual permit for access to the above mentioned parks may be purchased for a fee not to exceed $30.00 per year or by purchase of a Pearl River Valley Water Supply District “The Rez” license plate. The annual fee or license plate purchase covers access to all parks and unlimited return visits within one calendar year.

(b) Traffic fees shall be collected, at all times during which the toll gate is attended throughout the year as the General Manager may determine.

(c) The term "vehicle" as used in this regulation shall mean without limitation every device in, upon or by which any person or property is or may be transported upon a street or highway, except nonmotorized devices designed to be moved solely by human power, and shall include without limitation, automobiles, trucks, jeeps, motorcycles, all terrain vehicles (ATV), off road vehicles, motor bikes, buses, vans, dirt bikes, and three-wheelers.

(d) Each violation of this regulation shall constitute a misdemeanor and shall be punishable by a fine of not more than Fifty Dollars ($50.00).

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 1.4 *Vehicle Restrictions*.

(a) It shall be unlawful within the Reservoir Project Area to operate any vehicle on the streets, roads or highways unless such vehicle is in compliance with the Mississippi Uniform Highway Traffic Regulation Law--Equipment and Identification Regulations.

(b) It shall be unlawful within the Reservoir Project Area to operate any vehicle:

(i) Below or down stream of the toe drain below the main dam of the Reservoir in Madison or Hinds County;

(ii) Over or across any portion of any dike, levee, groin, jetty or mole appurtenant to the waters of the Ross Barnett Reservoir or any marina or harbor adjacent thereto, other than along an approved public or private roadway along the top of such dike, levee, groin, jetty, mole or other appurtenant facilities;

(iii) On, over or across any District road that is conspicuously marked "No Vehicles Beyond This Point" at each point of ingress thereto from a public roadway;

(iv) Within, on, over or across any portion of the Reservoir Project Area which is not paved, graveled or otherwise hard surfaced. Dirt roads are not considered "hard surfaced" for purposes of this regulation.

(v) ATVs are prohibited on all Reservoir Project Areas except as allowed in Part 203 Rule 1.4 (c) and Part 203, Rule 5.6.

(c) The vehicle restrictions stated in Part 203 Rule 1.4 (b) (iv) above shall not apply to: (i) property within the Reservoir Project Area leased by the District but any use of such property by vehicle operators shall be made only with the permission of and at the sole risk of the lessee(s) of such property; (ii) vehicles which are used for landscape maintenance or gardening purposes provided such vehicles are being operated for such purposes; (iii) construction equipment during the course of construction; (iv) vehicles or equipment used for logging purposes during the course of removing timber; (v) vehicles owned by any agency of the State of Mississippi or of the United States government, or by any city or county as long as the vehicle is being used in the course of employment of the operator; (vi) any all terrain vehicle ("ATV") operated by or used to transport any person 70 years of age or older, or any person with a disability as determined the United States Social Security Administration or the Department of Veteran's Affairs or by any other governmental entity which determines, adjudicates or certifies disabling conditions provided such ATV is being operated for the sole purpose of (aa) accessing public hunting areas for hunting purposes during open seasons or (bb) retrieving deer or hogs. Persons exempt under this section are required to have proof of their age or disability status in their possession and available for inspection by law enforcement officers.

(d) The term "all terrain vehicle" as used in this regulation shall mean a motorized, self propelled vehicle designed to travel over unimproved terrain on two or more tires which vehicle is not qualified as suitable for on-road use pursuant to the Mississippi Uniform Highway Traffic Regulation Law--Equipment and Identification Regulations or by the Inspection Regulations as published from time to time by the Mississippi Highway Patrol. The term "vehicle" as used in this regulation shall mean without limitation every device in, upon or by which any person or property is or may be transported upon a street or highway, except nonmotorized devices designed to be moved

solely by human power, and shall include without limitation, automobiles, trucks, jeeps, motorcycles, all terrain vehicles (ATV), off road vehicles, motor bikes, buses, vans, dirt bikes, and three-wheelers.

(e) Each violation of this regulation shall constitute a misdemeanor and shall be punishable by a fine of not more than Five Hundred Dollars ($500).

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 203 Chapter 2: Boats and Boating.

Rule 2.1 Operation Of Power Boats In Congested Areas.

(a) It shall be unlawful for any Person, firm, or corporation to operate any motor boat or other motor vessel in, along or around the Reservoir within the vicinity of any public launching ramp, commercial marina, yacht club or private dock or pier at a rate of speed which will cause a wake, provided that such area shall be conspicuously marked by a sign or signs stating "No Wake" upon entering and leaving such area.

(b) It shall be unlawful for any Person, firm, or corporation to operate any motor boat or other motor vessel in, along or around the following areas in the Reservoir at a rate of speed which will cause a wake: Coal Bluff, the area under the Northshore Parkway Bridge at Pelahatchie Bay, an area up to 1000 feet east of the shoreline along the Natchez Trace Parkway between the Natchez Trace Overlook and the channel entering NorthBay Subdivision, an area along and east of a line between the western most point of Lakeshore Park and the western most point of Timberlake Campground, an area no more than 100 feet off the shoreline of Old Trace Park, an area no more than 100 feet off the shoreline of Pelahatchie Shore Park, provided that such areas shall be conspicuously marked by a sign or signs stating "No Wake" upon entering and leaving such area.

(c) It shall be unlawful for any Person, firm, or corporation to operate any motor boat or other motor vessel in, along or around any area in the Reservoir at a rate of speed which will cause a wake:

(i) within any area marked with Temporary Emergency "No Wake" signs or buoys;

(ii) within 100 feet of any Law Enforcement Patrol Vessel while the blue beacon warning lights are activated or within 100 feet of any Fire/Rescue Vessel while the red beacon warning lights are activated.

(d) The following "no wake" zones are in effect during the period of April 15 to September 15 of each year: Flag Island, Low-Head Dam and Eddie's Island.

(e) For the purpose of this ordinance a "wake" shall be defined as any change in the vertical height of the water's surface caused by the passage of a vessel including, but not limited to, such craft's bow wave, stern wake or propeller wash. A "No Wake

Area" shall mean an area in which a vessel must travel at idle speed so as not to produce a wake.

(f) Each violation of this Regulation shall constitute a misdemeanor and shall be punishable by a fine of not more than Two Hundred Fifty Dollars ($250.00) or imprisonment in the County Jail not to exceed fifteen (15) days, or both such fine and imprisonment as determined by the Court.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 2.2 Mooring and Abandonment of Watercraft.

(a) It shall be unlawful to moor any house boat, motor boat, cruiser, sailboat or other watercraft in open waters within the Reservoir Project Area except on a temporary basis with the owner or operator aboard.

(b) It shall be unlawful to moor any house boat, motor boat, cruiser, sailboat or other watercraft having an overall length in excess of twenty-seven feet in any waters within the Reservoir Project Area at any place other than at a yacht club harbor or commercial marina, except that watercraft having an overall length in excess of twenty-seven feet may be moored at a private dock or pier provided for that purpose on leased waterfront property for seven or fewer continuous days, for not in excess of thirty total days during a calendar year.

(c) It shall be unlawful to moor any house boat, motor boat, cruiser, sailboat or other watercraft having an overall length of twenty-seven feet or less in any waters within the Reservoir Project Area for longer than twelve hours at any place other than a yacht club harbor, a commercial marina, or a private dock or pier provided for that purpose on leased waterfront property.

(d) It shall be unlawful to leave or abandon any watercraft in a waterlogged or sunk condition, or to moor any watercraft in any waters within the Reservoir Project Area at any place other than as provided in Part 203 Rule 2.2 (a), (b) or (c).

(e) A representative of the District may remove any watercraft moored in violation of this Part 203 Rule 2.2 and the District may recover its costs of such removal from either the owner or operator of the watercraft, or in part from both the owner and the operator of the watercraft.

(f) Each violation of this regulation shall constitute a misdemeanor and shall be punishable by a fine of not more than Five Hundred Dollars ($500.00).

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 2.3 Operation of Motorboats On The Ross Barnett Reservoir Which Are Not Equipped With Water Injected Exhaust Prohibited.

(a) It shall be unlawful for any Person, firm or corporation to operate on the Reservoir or on any property owned by the District any inboard motorboat which does not discharge the exhaust from each engine either through an exhaust pipe extending below the surface of the water under normal operating conditions or through a water injection muffling system or other muffling device. It shall be unlawful for any Person, firm, or corporation to operate any motorboat on the Reservoir or on any property owned by the District under any condition or in any manner which causes the noise level to exceed 86 decibels at a distance of 50 feet from the source of the noise. This regulation shall not apply to motorboats which are competing in authorized races or regattas and related events held upon the Reservoir with the approval of the District.

(b) Each violation of this regulation shall constitute a misdemeanor and shall be punishable by a fine not less than $50.00 nor more than $100.00 as determined by the court. For purposes of this regulation a violation shall not be deemed continuing, but each unlawful operation of a motorboat shall constitute a separate offense.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 2.4 *Operation of Power Boats In General.*

(a) It shall be unlawful for any Person to occupy any part of the spillway structure of the main dam of the Reservoir or operate or float in boat, Personal Watercraft or any other floating apparatus within the wing walls upstream or from a boat 200 feet downstream from said spillway structure; it shall be unlawful to operate or float in a boat, Personal Watercraft or any other floating apparatus 175 feet upstream or 75 feet downstream of Lowhead Dam on the Pearl River in Leake or Madison Counties; it shall be unlawful for any Person to occupy any part of the causeway across Pelahatchie Bay in Rankin County, or any dike, groin, jetty, levy or mole appurtenant thereto.

(b) It shall be unlawful for any Person to be towed on a tube or other towable device within the Reservoir unless such Person is wearing a U.S. Coast Guard approved flotation device.

(c) Each violation of this regulation shall constitute a misdemeanor and shall be punishable by a fine of not less than Fifty Dollars ($50.00) or more than Two-Hundred Fifty Dollars ($250.00) or imprisonment in the County Jail not to exceed fifteen (15) days, or both, such fine and imprisonment as determined by the Court.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 203 Chapter 3: Swimming, Water Skiing, Towing of Devices.

Rule 3.1 *Swimming, Water Skiing, Towing of Devices.* It shall be unlawful for any Person to engage in water-contact recreation within the Reservoir in violation of the following regulations:

(a) Swimming, wading or floating in the Reservoir within one quarter mile of the spillway of the dam or any boat launching ramp is prohibited.

(b) Water skiing or the pulling or towing by boat of any device in the Reservoir within a distance of one-quarter mile of the spillway of the dam, in all maintained boat channels and harbors (including those within residential developments in the Reservoir Project Area) or in any area restricted by posted signs is prohibited.

(c) Water skiing or the pulling or towing by a boat of any device on the Reservoir after sundown and before daylight is prohibited.

(d) Pulling or towing by a boat of any device (including but not limited to skis, air filled tubes and float boards) used for sustaining or supporting of any person on the Reservoir upstream from Mississippi State Highway No. 43 is prohibited, unless the tow rope or line is held in the hands of the person sustained or supported and is not attached to the device being pulled or towed.

(e) Pulling or towing by a boat of more than one person or device on the Reservoir upstream from Mississippi State Highway No. 43 is prohibited.

(f) The use of kite tubes, kite boarding or any participation in tube kiting is prohibited in the Reservoir.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 3.2 *Penalty.* Each violation of this regulation shall constitute a misdemeanor and shall be punishable by a fine of not more than Five Hundred Dollars ($500.00).

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 203 Chapter 4: Fishing.

Rule 4.1 *Restriction of Location.* It shall be unlawful for any Person to fish from any part of the spillway structure of the main dam of the Reservoir or from a boat within the wing walls upstream or from a boat 200 feet downstream from said spillway structure; it shall be unlawful for any Person to fish from any part of the causeway across Pelahatchie Bay in Rankin County, or from any dike, groin, jetty, levy or mole appurtenant thereto.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 4.2 *Restriction of Trotlines, Throw Lines, Set Hooks or Jugs.* It shall be unlawful for any Person to use trotlines, throw lines, or set hooks and jugs in the following portions of the Ross Barnett Reservoir:

(a) That portion of the main lake of the Ross Barnett Reservoir lying south of a line between the point where Twin Harbor channel enters the main lake of the Reservoir under the Natchez Trace on the Madison County side of the Reservoir and the Fannin Landing boat launching ramp in Rankin County, Mississippi;

(b) Pelahatchie Bay and Pelahatchie Creek;

(c) Any area of the main lake or river lake lying within 100 yards of any sandbar or any public boat launching facility;

(d) Waters within any marked navigational channel between the State Highway 43 bridge and Ratliff Ferry in Madison County, Mississippi; and

(e) Legal sport fishing with trotlines, throw lines, or set hooks and jugs may be conducted in all other waters of the Ross Barnett Reservoir in accordance with regulations from time to time promulgated by the Mississippi Department of Wildlife, Fisheries, and Parks.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 4.3 *Penalty.* Each violation of this regulation shall constitute a misdemeanor and shall be punishable by a fine of not more than One Hundred Dollars ($100.00).

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 203 Chapter 5: Firearms and Hunting.

Rule 5.1 *General*.

(a) It shall be unlawful to possess any firearm, air rifle, BB gun or primitive weapon in a public park within the Reservoir Project Area, except as otherwise specifically permitted by applicable state law.

(b) Hunting dates and bag limits are as determined by the Mississippi Department of Wildlife, Fisheries and Parks (MDWFP) for the East Central Zone for private land, except during the permit-only archery hunts below spillway and in Parcels M & on the Northshore when the limit is one buck, and two does per permit. The definition of a legal bush for the special permit hunt is having EITHER a 15-inch inside spread OR an 18-inch main beam.

(c) It shall be unlawful to discharge any pistol, handgun, shotgun with buckshot, centerfire or rimfire rifles (including .22) within the Reservoir Project Area. Shotguns with slugs may be used in areas designated below. Muzzle loaders with black powder may be used in areas designated below. Breach loaders and other smokeless primitive weapons are not allowed.

(d) Target practice is not allowed.

(e) Activities in the area known as the Pearl River Wildlife Management Area, north of Highway 43 in Madison County, are exempt from these regulations. Regulations for Pearl River Wildlife Management Area are set forth in 40 Miss. Admin. Code, Part 2, Rule 1.1 and 1.19.

(f) Nothing contained herein shall conflict with the rules and regulations of the Mississippi Department of Wildlife, Fisheries and Parks and such rules shall control in the event of conflict.

(g) All hunters must comply with MDWFP licensure requirements and when applicable, the District's hunting permit and special permit requirements.

(h) Food plots may be constructed only by the Pearl River Valley Water Supply District. Rye Grass is not allowed.

(i) Supplemental feeding of wildlife is prohibited.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 5.2 *Areas closed to hunting.*

(a) Hunting is not allowed within the Reservoir Project Area surrounding Pelahatchie Bay – the area bounded by Spillway Road, Highway 25, Holly Bush Road, Highway 471 and Northshore Causeway except Parcels M and N as provided below.

(b) Hunting is not allowed within one quarter (1/4) mile of any of the District's park or campground area boundary.

(c) Hunting is not allowed in the areas known as the undeveloped portion of Lost Rabbit and that portion of the Reservoir Project Area along and on both sides of Old Rice Road adjacent to Twin Harbor and Haley Creek Subdivisions.

(d) Hunting is not allowed in Main Harbor, Sportsman Marina, Sunset Marina (aka Safe Harbor Marina), England Harbor, Jackson Yacht Club Harbor or Bridgepoint Marina.

(e) Areas leased for hunting are closed to hunting by the public. Leasing of lands for the purpose of hunting shall conform to Sec. 51-9-122 of the Mississippi Code of 1972 as amended.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 5.3 *Areas open to hunting and type of hunting.*

(a) Found Rabbit and Catfish Landing shall be open to hunting for turkey, small game, deer and hogs (See Rule 5.4).

(b) Brown's Landing shall be open to hunting for small game and turkey, and archery hunting only for deer and hogs (see Rule 5.4).

(c) The area north of Arbor Landing and south of Highway 43 in Rankin County and all of the Project Area North of Highway 43, shall be open to turkey, deer, hogs and small game hunting (see Rule 5.4).

(d) The waters of the Reservoir north of a line between Arbor Landing and Twin Harbor shall be open to waterfowl hunting with non-toxic shot.

(e) The area bounded by Highways 471 and 25 and Pelahatchie Creek and the area east of Highway 25 in Rankin County shall be open to only archery hunting for deer, turkey and hogs.

(f) The area below the Main Dam and the Spillway shall be open to only archery hunting for deer, turkey and hogs by special permit only. The Spillway area shall be open for squirrel and small game hunting as specified in Rule 5.4 and 5.9 of these regulations. Parking is only allowed below the Main Dam and Spillway area and shall be limited to the paved parking areas near the Spillway, including the Madison County

Spillway parking area and Mule Jail Trail parking area. For Rankin County, parking is allowed in the soccer field area behind the Pearl River Valley Water Supply District Shop and Reservoir Police Department and in the Spillway parking lot.

(g) Parcels M & N on the northshore shall be open to only archery hunting only for deer and turkey hunting by special permit only.

(h) Special permits in (f) and (g) above will be obtained through a public draw system where winners are randomly chosen. The public draw system shall be conducted in accordance with procedures and shall be subject to rules, restrictions and fees adopted from time to time by the Board of Directors of the District.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 5.4 *Types of firearms allowed.*

(a) Deer or Hogs:

(i) Archery Equipment: Longbows, recurves, compounds and crossbows.

(ii) Primitive Firearms: Only muzzle loading weapons using black powder or black powder substitute shall be allowed.

(iii) Shotguns with slugs only.

(b) Turkey: Archery equipment and shotguns with #2 shot or smaller.

(c) Small Game: Shotguns using #4 shot or smaller.

(d) Waterfowl: Shotguns using non-toxic shot.

Rule 5.5 *Types of firearms not allowed.*

(a) Centerfire or rimfire rifles (including .22 caliber), air rifles, gas powered rifles or CO_2 powered rifles.

(b) Shotguns with buckshot.

(c) Handguns.

(d) Breach loaders and other smokeless "primitive" weapons.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 5.6 *All Terrain Vehicles (ATVs).*

(a) ATVs ware not allowed within the Reservoir Project Areas except as provided herein.

(b) ATVs may be used to retrieve a harvested deer or hog.

(c) ATVs may be used for access to hunting areas by a person of over 70 years of age or handicapped as defined by the Social Security Administration or the Veterans Administration.

(d) Joy riding or mid riding is not allowed.

(e) ATVs shall not be allowed below the main dam, except with permission for game retrieval during special draw archery hunts.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 5.7 Other vehicles.

(a) All other vehicles, including but not limited to, trucks, jeeps, automobiles, vans, busses, dirt bikes or motorcycles shall be restricted to roads and areas marked as "open to vehicles".

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 5.8 Tree stands, camps and garbage.

Tree Stands and Blinds: It shall be illegal to construct or to hunt from any permanent stands or blinds. Destroying, defacing, cutting, driving nails or spikes into, or otherwise damaging any standing live tree, natural feature, or plant is prohibited. Portable stands (including tripods and ground blinds) may be used. Stands left on the area do not reserve hunting locations. Portable stands may not be installed within the Reservoir Project Area prior to 7 days before deer season opens, nor left longer than 7 days after deer season closes. Stands not in compliance with these regulations may be confiscated and disposed of.

Spikes, nails or other metal shall not be driven or screwed into trees of the Reservoir Project Area.

No permanent tree stands will be allowed.

Fall-Arrest Systems: While climbing a tree, installing a tree stand that uses climbing aides, or while hunting from a tree stand within the Reservoir Project Area, hunters shall use a fall-arrest system (full body harness) that is manufactured to Treestand Manufacturers Association standards.

No camps, camp houses, trailers or other temporary or permanent structures shall be allowed. Primitive (tent) camping is allowed.

Field dressing of deer and hogs is allowed at site of harvest. All garbage, animal carcasses, etc. shall be disposed of off of the Reservoir Project Area in accordance with Part 203 Chapter 6 of PRVWSD regulations and MDWFP regulations.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 5.9 Spillway and Small Game Squirrel Regulations.

(a) The following regulations are applicable to squirrel and/or small game hunting below the Main Dam and the Spillway area only.

(b) Hunting for squirrel during the Mississippi Wildlife, Fisheries and Parks fall squirrel season shall be restricted below the Main Dam and Spillway area to only weekend hunts occurring during the month of February and shall occur on a daily basis during the Mississippi Department of Wildlife, Fisheries and Parks spring squirrel season. Any and all Mississippi Department of Wildlife Fisheries and Parks state licensing requirements and bag limits apply to squirrel hunts below the Main Dam and the Spillway area for both the fall and spring season.

(c) Spillway squirrel hunts are to be youth oriented. At least one child aged 15 and under must be a part of the party and must remain under direct supervision of a licensed or exempt adult, 21 years or older. Adults can carry firearms and shoot squirrels. Children under 15 must carry proof of satisfactorily completing an approved hunter safety course.

(d) During the weekend February season, legal shooting hours are from noon to 30 minutes after sunset on Friday, and 30 minutes prior to sunrise until 30 minutes after sunset on Saturdays and Sunday. Spring season is open daily with legal shooting hours being 30 minutes before sunrise until 30 minutes after sunset.

(e) No dogs allowed.

(f) Shotguns only, No. 4 size shot or smaller.

(g) All members of the hunting party must wear a fluorescent hunter orange vest, minimum of 500 square inches, while hunting. No exceptions.

(h) Hunting parties must check in before each hunt and must check out after each hunt, and return an information card upon check out. The check station will be the Reservoir Shop near the deer weighting station. Information will include names of each hunter, side of river chosen (Madison or Rankin), and harvest results. During hunt, the information card must remain on the dashboard of hunting party's vehicle while in the designated area. If a party leaves the hunting area for lunch, they must check out and check back in prior to hunting in the afternoon.

(i) Any small game legal during the February season (rabbit, raccoon, opossum, bobcat) may be harvested using state limits; however, only squirrel may be harvested during the spring season.

Rule 5.10 Definition of Areas.

(a) The undeveloped area of Lost Rabbit consists of District lands east of the Natchez Trace in Sections 11 and 14 of T7N, R2E Madison County, Mississippi.

(b) The undeveloped area of Catfish Landing consists of District lands west of the Natchez Trace in Sections 31 & 32 of T8N, R3E and Section 6, T7N, R3E. Madison County, Mississippi.

(c) The undeveloped area of Brown's Landing consists of District lands east of the Natchez Trace in Sections 22 & 27 of T8N, R3E, Madison County, Mississippi.

(d) The undeveloped areas along and on both sides of Old Rice Road adjacent to Twin Harbor and Haley Creek Subdivisions consisting of District lands west and north of the Natchez Trace in Section 1 & 11, T7N, R2E, Madison County, Mississippi.

(e) The undeveloped area of Found Rabbit consists of District lands east of the Natchez Trace in Section 12, T7N, R2E and Section 7, T7N, R3E, Madison County, Mississippi.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 5.11 Implied consent to search of vehicles.

(a) By bringing a vehicle on the Reservoir Project Area for the purpose of hunting the properties as defined herein, the driver has consented to search of the vehicle, entering, exiting or located in a hunting environment, for compliance with these regulations and the regulations of the MDWFP.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 5.12 Penalty.

Each violation of this regulation shall constitute a misdemeanor and shall be punishable by a fine of not more than one thousand dollars ($1000.00) and/or imprisonment in the county jail not to exceed fifteen (15) days, or both, such fine and imprisonment as determined by the Court.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 203 Chapter 6: Disposal or Abandonment of Waste, Rubbish, Garbage and Other Property In or Upon Reservoir Project Area; Possession of Glass Containers.

Rule 6.1 *(a) Prohibition of Disposal.* It shall be unlawful for any Person, firm or corporation to deposit, dump, leave or abandon any waste, rubbish, garbage or other property (including but not limited to cans, bottles, jars, glass, paper, plastic, styrofoam,

wood, metal, steel reinforcement bars (rebar), rubber or other natural or synthetic material) in or upon any of the public parks, public recreation areas, public boat ramps, public buildings and grounds, or public streets and rights of way within the Reservoir Project Area, or within sixty feet of any such property, or in or upon any dike, levee, groin, jetty or mole appurtenant to the waters within the Reservoir Project Area, or in or upon any waters within the Reservoir Project Area, or in or upon any parking area for motor vehicles maintained for patrons of commercial or recreational establishments on premises held under lease from the District. Furthermore, any person, firm, or corporation fishing from the shore or bank of the Main Lake or any dyke, levy, groin, jetty or mole appurtenant to the waters within the Reservoir Project Area, or in or upon any waters within the Reservoir Project Area shall have in its possession a container marked "Trash" with stencil or other clear markings for the disposal of garbage or refuse and shall dispose of any garbage or refuse at designated disposal sites provided onshore.

(b) Possession of Glass Beverage Containers. It shall be unlawful for any Person to possess, put, throw, dump or leave on any portion of the Reservoir Project Area inundated by water, or within any public park, public boat ramp or public recreational area, any glass beverage container to include but not limited to beer, wine, spirits, sports drink, soda, etc.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 6.2 *Disposal From Watercraft.* It shall be unlawful for any Person, firm or corporation to dispose of sewage, garbage or refuse from watercraft in the waters of the District except in accordance with the provisions hereof.

(a) Toilet - no marine toilet, heads, sink, shower, bathtub, washing machine or other device on any water craft may be operated so as to discharge sewage directly or indirectly to the waters of the District.

(b) Holding tank - all marine toilets, heads, sink, shower, bathtub, washing machine or other such devices on watercraft shall be provided with a holding tank or holding tanks of sufficient capacity to prevent discharge of sewage into the District's waters.

(c) Disposal of sewage - all sewage within a holding tank shall be disposed of only at facilities approved for such purpose by the District.

(d) Holding tank construction - all sewage holding tanks shall be durable, water tight, non- absorbent, sealed or locked in a manner approved by the District, and maintained in good repair.

(e) Holding tank discharge lines - discharge lines from sewage-holding tanks shall be readily accessible above the maximum load water line and quick coupling devices provided. Discharge line connection shall be sized and fitted so as to preclude the possibility of attaching a potable water hose thereto.

(f) Garbage and other refuse - garbage and other refuse shall not be discharged or emptied from any watercraft into District waters or on the adjacent shore. All garbage and refuse shall be stored aboard the water craft in leak-proof, non-absorbent containers with tight-fitting lids and disposed of only at designated disposal sites provided on shore.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 6.3 *Residential Use.* It shall be unlawful for any Person to use any watercraft as a residence unless such watercraft has a functional toilet. Residential use shall include occupancy by one or more Persons as a temporary or permanent residence but shall not include occasional overnight or weekend accommodation.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 6.4 *Monthly Pump Out.* It shall be unlawful for any Person to use any watercraft as a residence unless the holding tank on the watercraft is pumped out at least once each calendar month. Evidence of compliance in the form of a certificate from the operator of a marina within the Reservoir Project Area shall be maintained on the watercraft.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 6.5 *Annual Sanitary System Inspection.* The owner of any watercraft with a marine toilet, heads, sink, shower, bathtub, washing machine, holding tank or other device shall obtain annually a sanitary system inspection from the District and have proof of current inspection certificate prominently displayed at all times the watercraft is in the Reservoir. The District shall charge an inspection fee in the amount set, from time to time, by the Board and included in its official minutes. The inspection will be payable by the owner of any watercraft prior to issuance of the inspection certificate.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 6.6 *Right of Inspection.* The District and its agents shall have full authority to inspect all watercraft found in the District's waters to insure compliance with this regulation and to remove such watercraft from the Reservoir if found in violation hereof. If any watercraft is not in compliance with this regulation and a further inspection or inspections are required to determine proper compliance, the owner of the watercraft shall pay the District a fee for each follow-up inspection in the amount set, from time to time, by the Board and included in its official minutes.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 6.7 *Prohibition Against Junk or Scrap.* It shall be unlawful for any Person, firm or corporation occupying or in possession of real property within the Reservoir Project Area, as lessee, sublessee or permittee or otherwise, to suffer or permit any non-functional automobile, boat, trailer, appliance, or part thereof, or any other item commonly classified as junk or scrap, to be and remain on such real property within view

from any public highway, road or street, any public park, public recreation area or public boat ramp for a period in excess of 30 days.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 6.8 *Prohibition Against Outdoor Burning.* Outdoor burning of any material within the Reservoir Project Area is prohibited other than (i) charcoal or other material intended for cooking provided the material is maintained in an enclosed grill or container; (ii) charcoal, prepared logs or wood in enclosed containers designed to provide outdoor heat provided spark protection is provided; (iii) material intended for cooking in covered pits provided the pits do not exceed four feet in diameter, length or width; and (iv) the District may continue prescribed burns as part of its forestry management and property development programs. The term "material" includes debris, leaves, limbs, brush, vegetation, construction debris, business trash and all other smoke producing materials.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 6.9 *Penalty.* Each violation of this regulation shall constitute a misdemeanor and shall be punishable by a fine of not more than One Thousand Dollars ($1,000.00).

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 203 Chapter 7: Operation of Public Parks, Public Recreation Areas, Public Boat Launching Facilities, Public Fishing Piers, Public Parking Areas; Consumption of Alcohol.

Rule 7.1 *Posted Notice for Times of Opening/Closing.* It shall be unlawful for any Person to enter upon or remain within or otherwise occupy any public park, public recreation area, public boat launching facility, public fishing pier or public parking area within the Reservoir Project Area, except during such months, days and hours as shall be posted at each specific public park, public recreation area, public boat launching facility, public fishing pier or public parking area. Persons engaged in hunting or fishing activities may use public boat launching facilities, fishing piers and adjacent public parking areas at Madison Boat Ramp, North Fishing Jetty, designated fishing areas on either side of the Pearl River south of Bob Anthony Parkway, Goshen Springs Boat Launch, Rankin Boat Ramp & Fishing Pier, Pelahatchie Shore Boat Ramp, Pelahatchie Bay Boat Launch & Fishing Pier, Fannin Landing Boat Launch, Hwy 43 Fishing Pier, Safe Harbor Boat Launch, West Pipeline Road (Rankin County) Boat Launches (when access is available), Brown's Landing, Ratliff Ferry Boat Launch, Coal Bluff Boat Launch, Lowhead Dam Boat Launch, Leake County Water Park Boat Launch and Highway 13 Boat Launch at any time incident to actual hunting or fishing activities.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 7.2 *Traffic Control Fee.* It shall be unlawful for any Person other than an occupant of a vehicle for which the fee established pursuant to Part 203 Rule 1.3 has been paid, to enter in or upon or to remain within any public park or public recreation area within the Reservoir Project Area at any time that an entrance gate to such public park or

public recreation area is attended, unless such Person shall have paid the traffic fee as posted at the toll gate for each entrance into such public park or public recreation area.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 7.3 *Emergency Closing Order.* It shall be unlawful for any Person to enter upon, remain within or otherwise occupy any public park (including a neighborhood park), public recreation area, public boat launch (including a neighborhood ramp), public parking area or any other public area within the Reservoir Project Area during any period that any such public area has been ordered to be closed by the General Manager of the District in order to preserve public order or to prevent or lessen the likelihood of riot, civil commotion, disorderly conduct, public nuisance or a threat or danger to the public health, safety or welfare or to the water quality of the Reservoir. The General Manager shall enter in a ledger kept by him for that purpose the time, duration, and reason for any closing of a public area ordered by him.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 7.4 *Vehicular Capacity.* The vehicular capacity of each public park or public recreation area which has an entrance gate shall be determined from time to time by the Board of Directors of the District. Each public park and other public recreation area which has an entrance gate or other controllable ingress/egress restriction shall have posted the maximum number of vehicles which may be located in the park or recreation area. It shall be unlawful for any vehicle to enter any public park or public recreation area of the District where an entrance gate is maintained and where a sign is posted indicating that the park or recreation area has reached its maximum vehicular capacity or words of similar meaning. Variance may be authorized by the Board for permitted special events.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 7.5 *Prohibition of Alcoholic Beverages.* It shall be unlawful for any Person to possess or consume beer, wine, liquor or any other alcoholic beverage, including wine coolers, within any public park, public recreation area, public boat launching facility, public fishing pier, public parking area or other public area within the Reservoir Project Area not inundated by the waters of the Reservoir unless authorized in a special permit issued by the Board of Directors of the District. Persons engaged in the act of launching and/or loading or unloading a boat at a launch facility with sealed or closed containers of alcoholic beverages shall be exempt from this ordinance if it is otherwise legal to possess such beverages in the applicable county.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 7.6 *Penalty.* Each violation of this regulation shall constitute a misdemeanor and shall be punishable by a fine of not more than One Hundred Dollars ($100.00).

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 203 Chapter 8: Keeping Of Animals And Fowl Within The Boundaries Of The District.

Rule 8.1 *Restriction of Animals and Fowl.* It shall be unlawful for the owner or keeper of any wild or domestic animal or fowl (other than natural or naturalized water fowl) to permit the same to run at large on property owned by or leased from the District or to stray from the premises of the owner or keeper or to go upon premises or property owned by or leased from the District or other public or private property unless such animal is attached to a leash or otherwise under the direct, physical or voice control of such owner or keeper. This section shall not apply to the use of dogs for hunting in areas where hunting is otherwise permitted.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 8.2 *Prohibition of Swine and Cattle; Restriction of Horses.* It shall be unlawful for any Person to keep or harbor any swine or cattle on any property owned or leased from the District and no horses shall be kept or maintained on any lot or tract of land composed of less than 3 acres.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 8.3 *Prohibition of Dangerous Animals.* It shall be unlawful for any Person to keep or maintain any vicious, ferocious or dangerous animal unless such animal is kept or maintained solely for security purposes and is at all times kept within an enclosure sufficient to prevent escape and exposure to the public.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 8.4 *Prohibition of Noisy Animals.* It shall be unlawful for any Person to keep or harbor any animal or fowl which by loud, frequent or habitual barking, howling, yelping or other noise or action disturbs any person or persons on property owned by or leased from the District or otherwise creates a nuisance in any manner.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 8.5 *Restriction of Dogs and Cats.* It shall be unlawful to own or keep or harbor any dog or cat three months of age or older on property owned by or leased from the District unless the dog or cat shall have been vaccinated against rabies in accordance with Chapter 53, Title 41, Mississippi Code of 1972, and a metal tag securely braded to the collar containing the serial number of the vaccination and the year in which the dog or cat was inoculated shall be placed and maintained around the neck of said dog or cat at all times.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 8.6 *Identification of Owner of Animal.* It shall be unlawful to own or keep any animal on property owned by or leased from the District unless there is placed and

maintained around the neck of such animal a tag containing the name and telephone number of the owner or keeper at all times.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 8.7 *Confinement of Animal.* Any Reservoir Patrol Officer in the course of his duties of investigation of cases in which animals have bitten or scratched a person or other animals shall notify the owner of said animal to surrender the animal to the Reservoir Patrol Officer or otherwise to arrange for the animal to be delivered to the animal shelter in the County where the animal is found (or to such other animal shelter as may be designated from time to time by the District) and kept for a period of not less than 10 days after the biting or scratching of such person or other animal, during which period it shall be determined by a designated official whether such animal is suffering from any disease. If no disease is found, the animal may be released to the owner, provided that the owner produces to a Reservoir Patrol Officer proper evidence of vaccination of the animal for rabies which vaccination must have been administered within 12 months previous to the biting or scratching. Any animal found to be infected with rabies shall be forthwith destroyed by the appropriate officers of the animal shelter or county health department.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 8.8 *Cost of Animal Shelter.* If any dog or other animal is delivered to an animal shelter pursuant to this ordinance, the owner or keeper of such dog or animal shall pay all costs incurred or otherwise charged by the animal shelter prior to release of such dog or animal.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 8.9 *Penalty.* Each violation of this regulation shall constitute a misdemeanor and shall be punishable by a fine not less than $25.00 nor more than $500.00 for each such offense.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 203 Chapter 9: Feeding of Geese.

Rule 9.1 *Prohibition.* It shall be unlawful for any Person to feed a Canada goose on property owned by or leased from the District. The term "feed" means providing food in any manner or otherwise making food available, including feeding by hand, leaving food on the ground or in the water, or any other activity designed to provide food for a Canada goose.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 9.2 *Penalty.* Each violation of this regulation shall constitute a misdemeanor and shall be punishable by a fine of not less than $50.00 nor more than $500.00 for each offense.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 203 Chapter 10: Feeding of Alligators.

Rule 10.1 *Prohibition.* It shall be unlawful for any Person to feed an alligator on property owned by or leased from the District. The term "feed" means providing food in any manner or otherwise making food available, including feeding by hand, leaving food on the ground or in the water, or any other activity designed to provide food for an alligator.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 10.2 *Penalty.* Each violation of this regulation shall constitute a misdemeanor and shall be punishable by a fine of not less than $50.00 nor more than $500.00 for each offense.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 203 Chapter 11: Registered Sex Offenders.

Rule 11.1 *Prohibition and Penalty.* It shall be unlawful for any Person registered as a sex offender under the Mississippi Sex Offenders Registration Law (§§ 45-33-21 to 45-33-57, Mississippi Code of 1972, as amended) to enter or at any time be present within any campground operated by the District, including Timberlake Campground, Goshen Springs Campground, Low Head Dam Campground, Coal Bluff Campground and Leake County Water Park. Each violation of this regulation shall be punishable by a fine of $1,000.00 or by imprisonment not to exceed fifteen days, or both fine and imprisonment, to be determined by the court.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 203 Chapter 12: Camping.

Rule 12.1 *General.* It shall be unlawful for any Person to camp within one-half mile of any platted subdivision or on any land posted “No Camping” located within the Reservoir Project Area except on property privately leased and not open to the public or in campgrounds operated by the District. For purposes of this regulation, “camp” or “camping” is defined as residing on or using property for one or more nights for living accommodation purposes, such as sleeping activities or making preparations to sleep or storing personal belongings (including but not limited to clothing, sleeping bags, bedrolls, blankets, back packs, food, drink, kitchen utensils and similar material), making any fire, erecting any tent or make-shift covering, residing in a parked vehicle or assembling for the purpose of camping. These activities constitute camping when it reasonably appears, in light of all the circumstances, that a person(s) is utilizing the space in a manner contrary to this regulation.

(a) All camping conducted on the Reservoir Project Area not within a campground operated by Pearl River Valley Water Supply District (PRVWSD) shall be primitive camping.

(b) Definition of primitive camping.

(i) Simple camping in a natural setting without improvements or modern conveniences. Water, sewer and electrical systems provided by a local authority are considered improvements. Generators may be used provided that use complies with the PRVWSD noise regulations and the generator is removed at the end of the camping trip.

(ii) All equipment used in camping must be brought to the site at the beginning of or during the camping trip and removed at the end of the camping trip.

(iii) No permanent structures or facilities may be constructed or installed. This includes but is not limited to lumber and metal frames for holding tents and/or tarpaulins, decks and stairways. Metal flag poles displaying the flag of the State of Mississippi and/or the flag of the United States of America may be used.

(iv) Alteration of the natural setting or habitat is not allowed. Campers may cut grass growing on the sandbars. Cutting of trees and brush is not allowed.

(v) Camping is overnight stays of short duration. The maximum time allowed for each camping trip is ten days. Campsites must be cleared and cleaned at the end of each camping trip. Campers are responsible for removal of all trash and camping equipment.

(vi) Campers wishing to camp for more than ten days must move to another site and re-register for a new camper permit (see section (e) below).

(c) Items not allowed.

(i) Permanent ground cover.

(ii) Permanent structures.

(iii) Tarpaulins or other materials suspended from permanent poles, rigging or structures. NOTE: Tarpaulins used during the course of a camping trip are allowed provided the tarpaulin is removed at the end of the trip and no permanent poles, rigging or structures are utilized.

(d) Any camping conducted upstream of Highway 43 must be done so within sight of the Pearl River or the Reservoir.

(e) Campers must obtain a camping permit (free of charge) by calling the PRVWSD staff at the Goshen Springs Campground (601-829-2751). After normal business hours call the Reservoir Control Tower (601-992-9703). Campers will be given

a permit number. Only this number must be displayed at the campsite. Information required to be provided to the PRVWSD when obtaining a permit is as follows:

(i) Name, address and cell telephone number of the responsible person on the camping trip.

(ii) Location of the camp. If the site is unknown, call the PRVWSD staff when the site has been selected. Site location can be by latitude and longitude coordinates or local name.

(iii) Planned duration of the camping trip.

(iv) Anticipated number of campers.

(f) Camping permit number assigned by the PRVWSD must be displayed on the largest tent or temporary structure located on campsite. Camping permit number should be written on a paper at least 5"x 7" in size, and in block lettering. It is preferred the permit number be placed in a "Ziplock" type clear storage bag and hung in a location on campsite so the permit can be recognized from the water by PRVWSD staff. Only the permit number is required to be displayed.

(g) Camping is not allowed within the Pearl River Wildlife Management Area. Refer to Title 40, Mississippi Administrative Code Part 2, Chapter 1.19.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 12.2 Penalty. Each violation of this regulation shall constitute a misdemeanor and shall be punishable by a fine not less than $25.00 nor more than $500,00 for each such offense.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Title 33: River and Waters

Part 204: Regulations Pertaining To Use Of The Reservoir Project Area For Commercial Or Residential Purposes

Part 204 Chapter 1: Definitions.

Rule 1.1 *Trips:* One direction vehicle movement, either exiting or entering, inside a study site.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 1.2 *Horizon Year:* The estimated year of complete build-out or full use of a proposed development. As a minimum, this shall be two years from application submittal.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 1.3 *Impact:* The traffic generated to a proposed development will add traffic to the surrounding street network, changing the existing traffic patterns, operations and safety concerns.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 1.4 *Average Daily Traffic (ADT):* A measure of 24-hour traffic volume for normal daily traffic flow conditions.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 1.5 *Peak-Hour Movements:* A measure of the higher volume movement on a street or at an intersection during normal daily traffic flows.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 1.6 *Level of Service:* Quantitative measure describing operational conditions within a traffic stream and the perception by motorists. The conditions are measured in terms of factors such as speed, travel time, interruptions, comfort, convenience and safety. Level of service measures are to be determined as described in the *1985 Highway Capacity Manual, Special Report 209* by the Transportation Research Board or the latest edition and supporting software, or, if no longer published, such similar manual as may be selected by the General Manager.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 204 Chapter 2: Commercial Trucks.

Rule 2.1 *Restriction.* It shall be unlawful to operate any commercial class of vehicle with a capacity of more than one ton on or across the main dam, the causeway at

the Reservoir, along any part of Northshore Parkway or on any part of the dike around Main Harbor (a/k/a Dike Road or Harborwalk Drive).

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 2.2 *Exception.* Excepted from this regulation are District maintenance vehicles and equipment or vehicles contracted by the District for authorized work, repairs or deliveries, emergency response vehicles, public utility vehicles, wreckers, recreational vehicles and buses.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 2.3 *Parking.* It shall be unlawful to leave parked in any public park, public recreation area, public boat launching facility, public fishing pier or public parking area within the Reservoir Project Area or subdivision any commercial class of vehicle with a load capacity of greater than one-ton or a rated towing capacity of greater than 24,500 lbs unless such vehicle is included in a facility use permit or special parking permit issued by the District's permit department subject to payment of a fee set, from time to time, by the Board.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 2.4 *Penalty.* Each violation of this regulation shall constitute a misdemeanor and shall be punishable by a fine of not more than Two Hundred Fifty Dollars ($250.00).

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 204 Chapter 3: Tournaments, Contests and Rodeos.

Rule 3.1 *Tournament Registration.* It shall be unlawful to promote or hold on the waters of the Reservoir any fishing tournament, contest, rodeo or other fishing event without first registering the event with the General Manager of the District on forms prescribed for such purpose (including name of sponsor, fees payable to sponsor and others, copies of promotional material, date and times of event, areas of Reservoir involved and other relevant information). Authorization is discretionary.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 3.2 *Payment of Fee.* Additionally, it shall be unlawful to promote or hold on the waters of the Reservoir any fishing tournament, contest, rodeo or other fishing event without first securing written authorization therefor from the General Manager of the District, payment of a fee to the District in the amount of two dollars ($2.00) for each boat involved in the tournament and providing a satisfactory certificate of public liability insurance. Authorization is discretionary.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 3.3 *Written Application.* Written application shall be received by the General Manager of the District no later than thirty days in advance of the event. No event will be scheduled until receipt by the District of the complete written application and delivery of certificate of insurance. A complete roster of actual participants and payment of the fee shall be submitted to the General Manager within seven (7) business days following the conclusion of the event..

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 3.4 *Scheduling.* Fishing tournaments, contests, rodeos and other fishing events shall be scheduled to encompass any weekend of the month unless the Board of Directors has declared certain weekends closed to such events for public health, safety or welfare as designated in the minutes of the Board from time to time. District staff will determine the scheduling process.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 3.5 *Penalty.* Each violation of this regulation shall constitute a misdemeanor and shall be punishable by a fine of not more than One Thousand Dollars ($1,000).

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 204 Chapter 4: Licensing And Insurance Requirements With Reference To Operation Of Commercial Vessels On The Reservoir.

Rule 4.1 *Commercial Vessel.* For purposes of these Regulations, the term "commercial vessel" shall be deemed to mean any power driven vessel carrying more than six (6) passengers exclusive of crew and offered for rental, charter or hire, with operator and crew furnished, in, along, upon or around the Reservoir in Hinds, Madison, Rankin, Scott or Leake Counties, Mississippi.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 4.2 *Operator's License*. It shall be unlawful for any person, firm, or corporation to operate or offer for rental or hire any commercial vessel in, along, upon or around the Reservoir unless the operator of such vessel shall have in his possession and available for examination at all times when the vessel is being operated a current license to operate a commercial vessel on the Reservoir issued by the Mississippi Department of Wildlife, Fisheries, and Parks.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 4.3 *Certificate of Inspection*. It shall be unlawful for any person, firm, or corporation to operate or offer for rental or hire any commercial vessel in, along, upon or around the Reservoir unless each person, firm or corporation shall have on file with the Mississippi Department of Wildlife, Fisheries, and Parks and the District a current Certificate of Inspection with respect to such vessel from an approved registered naval

architect or approved marine engineer in accordance with the Rules and Regulations of the Mississippi Department of Wildlife, Fisheries, and Parks.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 4.4 *Licensed Crew*. It shall be unlawful for any commercial vessel to be operated on the Reservoir unless she shall have in her service and on board a currently licensed operator of commercial vessels and such crew as required by the Mississippi Department of Wildlife, Fisheries, and Parks.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 4.5 *Commercial Privilege License*.

(a) It shall be unlawful for any person, firm, or corporation to operate or offer for rental or hire any commercial vessel in, along, upon or around the Reservoir unless such person, firm or corporation shall have obtained from the Board of the District a non-exclusive commercial privilege license for such commercial vessel. The application for such privilege license shall be accompanied by evidence of compliance with the Rules and Regulations with Reference to Operation, Equipment and Safety of Commercial Vessels on Ross Barnett Reservoir (Pearl River Valley Water Supply District) promulgated from time to time by the Mississippi Department of Wildlife, Fisheries, and Parks, together with a current Certificate of Inspection and Operator's License as required by the Mississippi Department of Wildlife, Fisheries, and Parks.

(b) Such privilege license may be granted upon the payment to the District of an annual fee of Ten Dollars ($10.00) per head of safe-carrying capacity of the commercial vessel as stated in the vessel's Certificate of Inspection, but in no case less than Two Hundred Fifty and No/100 Dollars ($250.00).

(c) Such privilege license shall be valid for a period of one (1) year from the date of issuance or such shorter period as the Board of the District may specify; provided that such license may be revoked prior to the expiration thereof whenever inspection reveals any matter which would have resulted in denial of a license and such license shall be considered automatically terminated in the event of any violation of the Rules and Regulations with reference to Operation, Equipment and Safety of Commercial Vessels on Ross Barnett Reservoir (Pearl River Valley Water Supply District) as promulgated from time to time by the Mississippi Department of Wildlife, Fisheries, and Parks. By accepting a license, the licensee shall be deemed to have consented to inspection of the commercial vessel by employees or agents of the District at such reasonable times during the term of said license as they may see fit.

(d) Application for a privilege license shall be accompanied by an application for public liability insurance to be issued by an insurance company doing business in the State of Mississippi with an acceptable *Best's* rating, with limits of not less than $1,000,000 for all damages arising out of bodily injury to or death of one or more persons and property in any one accident, resulting from or in connection with the operation of the commercial vessel. A certificate for such insurance, including the District as an

additional insured, together with a paid receipt, shall be on file in the office of the District prior to operation of the commercial vessel for rental or hire in, along, upon or around the Reservoir.

(e) Each violation of this Regulation shall constitute a misdemeanor and shall be punishable by fine of not more than One Hundred Dollars ($100.00) or imprisonment in the County Jail not to exceed fifteen (15) days, or both such fine and imprisonment as determined by the Court. For purposes of this Regulation, a violation hereof shall constitute a separate offense. Nothing contained herein shall limit the penalty for violation of the Rules and Regulations with Reference to Operation, Equipment and Safety of Commercial Vessels on Ross Barnett Reservoir (Pearl River Valley Water Supply District) as promulgated from time to time by the Mississippi Department of Wildlife, Fisheries, and Parks.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 4.6 *Commercial Vessel Certification*.

(a) It shall be unlawful for any person, firm or corporation to operate or offer for rental or hire any commercial vessel in, along, upon or around the Reservoir unless each person, firm or corporation shall have on file with the Mississippi Department of Wildlife, Fisheries, and Parks and the District a current Certificate of Inspection with respect to such vessel from an approved registered Naval Architect or approved Marine Engineer stating that such vessel:

(i) Has been constructed and arranged in substantial compliance with the requirements of subparts 177.01, 177.05, 177.10, 177.15, 177.20, 177.30, 177.35 of Title 46, Chapter 1, Subchapter T, Code of Federal Regulations as then in effect.

(ii) Is in substantial compliance with the requirements as to watertight integrity and subdivision as set out in subparts 178.01, 178.10, 178.15, 178.20, 178.25, 178.30, 178.35, 178.40 of Title 46, Chapter 1, Subchapter T, Code of Federal Regulations as then in effect.

(iii) Is in substantial compliance with the requirements as to stability as set out in Subparts 179.01, 179.05, 179.10, 179.15 179.20 of Title 46, Chapter 1, Subchapter T, Code of Federal Regulations as then in effect.

(iv) Is equipped in substantial compliance with the requirements as to life saving equipment as set out in Subparts 180.01, 180.05, 180.10, 180.15, 180.20, 180.25, 180.30, 180.35 of Title 46, Chapter 1, Subchapter T, Code of Federal Regulations as then in effect.

(v) Is equipped in substantial compliance with the requirements as to fire protection equipment as set out in Subparts 181.01, 181.05, 181.10, 181.15, 181.20, 181.30, 181.35 of Title 46, Chapter 1, Subchapter T, Code of Federal Regulations as then in effect.

(vi) Is constructed and equipped in substantial compliance with the requirements as to machinery installation as set out in Subparts 182.01, 182.05, 182.10, 182.15, 182.20, 182.25, 182.30 of Title 46, Chapter 1, Subchapter T, Code of Federal Regulations as then in effect.

(vii) Is constructed and equipped in substantial compliance with requirements as to electrical installation as set out in Subparts 183.01, 183.05, 183.10 of Title 46, Chapter 1, Subchapter T, Code of Federal Regulations, as then in effect.

(viii) Is equipped in substantial compliance with the requirements as to vessel control and miscellaneous systems and equipment as set out in Subparts 184.01, 184.05, 184.10, 184.15, 184.20, 184.25 of Title 46, Chapter 1, Subchapter T, Code of Federal Regulations as then in effect; the installation of suitable Citizens Band radio equipment will be considered substantial compliance with the Federal Communications Commission for purposes of the Reservoir.

(b) The maximum number of passengers permitted to be carried on a commercial vessel shall be as determined by the approved registered Naval Architect or approved Marine Engineer and shall be stated on the vessel's Certificate of Inspection.

(c) The Certificate of Inspection shall be deemed current for a period of three (3) years from and after the date on which the same shall be executed by an approved registered Naval Architect or approved Marine Engineer.

(d) Each violation of this Regulation shall constitute a misdemeanor and shall be punishable by a fine of not more than One Hundred Dollars ($100.00) or imprisonment in the County Jail not to exceed fifteen (15) days, or both such fine and imprisonment as determined by the Court. For purposes of this Regulation, a violation hereof shall constitute a separate offense. Nothing contained herein shall limit the penalty for violation of the Rules and Regulations with Reference to Operation, Equipment and Safety of Commercial Vessels on Ross Barnett Reservoir (Pearl River Valley Water Supply District) as promulgated from time to time by the Mississippi Department of Wildlife, Fisheries, and Parks.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 4.7 Requirements As To Operator And Crew.

(a) It shall be unlawful for any commercial vessel to be operated while her Certificate from an approved registered Naval Architect or approved Engineer is in effect unless she shall have in her service and on board a currently licensed operator of commercial vessels on the Reservoir and such crew as may be necessary for her safe operation. For commercial vessels having a safe carrying capacity of forty-nine (49) or less, minimum crew shall consist of one (1) licensed operator of commercial vessels on the Reservoir and (1) deckhand at least seventeen (17) years of age, or older. For vessels having a safe carrying capacity of fifty (50) or more, the crew shall consist of one (1) or more licensed operator of commercial vessels on the Ross Barnett Reservoir and, at least, two (2) deckhands, seventeen (17) years of age, or older.

(b) Each violation of this Regulation shall constitute a misdemeanor and shall be punishable by a fine of not more than One Hundred Dollars ($100.00) or imprisonment in the County Jail not to exceed fifteen (15) days, or both such fine and imprisonment as . determined by the Court. For purposes of this Regulation, a violation hereof shall constitute a separate offense. Nothing contained herein shall limit the penalty for violation of the Rules and Regulations with Reference to Operation, Equipment and Safety of Commercial Vessels on Ross Barnett Reservoir (Pearl River Valley Water Supply District) as promulgated from time to time by the Mississippi Department of Wildlife, Fisheries, and Parks.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 4.8 Licensing Of Commercial Operators.

(a) Applicants for operator's licenses of commercial vessels shall file written application with the Mississippi Department of Wildlife, Fisheries, and Parks, accompanied by satisfactory evidence that the applicant:

(i) Has successfully completed an examination administered by the United States Coast Guard, Department of Transportation, which shall include, among other things, Inland Rules of the Road, firefighting and life saving procedures and techniques, and pollution regulations applicable to the Reservoir.

(ii) Is at least twenty-one (21) years of age.

(iii) Has a certificate from a reputable physician as to the general physical condition of the applicant, stating that the applicant is under no physical or mental disability or disease, or other defect, which would render the applicant incompetent to perform the ordinary duties of a licensed operator of a commercial vessel.

(iv) Is known to three (3) reputable persons who submit written endorsements which indicate that the applicant's habits of life and character are such as to warrant them to believe that he can be entrusted with the duties and responsibilities of a licensed operator of commercial vessels.

(b) An operator's license shall be current for a period of three (3) years from and after the date the same was granted but may be extended for successive periods of three (3) years upon request for such extension accompanied by the certificate of a reputable physician and written endorsement from three (3) reputable persons, as provided in Part 204 Rule 4.8 (a) (iii) and (iv) above, together with evidence that the applicant has operated commercial vessels on the Reservoir during the preceding three (3) years.

(c) Such application for license or renewal shall be accompanied by a processing fee in such amount as shall be specified by the Mississippi Department of Wildlife, Fisheries, and Parks.

(d) An operator's license may be revoked or suspended by the Mississippi Department of Wildlife, Fisheries, and Parks if the holder thereof shall violate any rule or regulation of the Mississippi Department of Wildlife, Fisheries, and Parks or any provision of the Boat and Water Safety laws of the State of Mississippi.

(e) From and after the effective date of this regulation it shall be unlawful for any person, firm or corporation to operate or offer for rental or hire any commercial vessel in, along, upon or around the Reservoir unless the operator of such vessel shall have his current license as an operator of a commercial vessel on the Reservoir in his possession, available for examination at all times when the vessel is being operated.

(f) Each violation of this Regulation shall constitute a misdemeanor and shall be punishable by a fine of not more than One Hundred Dollars ($100.00) or imprisonment in the County Jail not to exceed fifteen (15) days, or both such fine and imprisonment as determined by the Court. For purposes of this Regulation, a violation hereof shall constitute a separate offense. Nothing contained herein shall limit the penalty for violation of the Rules and Regulations with Reference to Operation, Equipment and Safety of Commercial Vessels on Ross Barnett Reservoir (Pearl River Valley Water Supply District) as promulgated from time to time by the Mississippi Department of Wildlife, Fisheries, and Parks.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 4.9 *Notice Of Accident*.

(a) It shall be unlawful for the owner or person in charge of any commercial vessel involved in a boating accident to fail to give notice of such accident as soon as possible as provided in Section 59-21-51, Mississippi Code of 1972, and to furnish a copy of such notice to the General Manager of the District.

(b) Each violation of this Regulation shall constitute a misdemeanor and shall be punishable by fine of not more than One Hundred Dollars ($100.00) or imprisonment in the County Jail not to exceed fifteen (15) days, or both such fine and imprisonment as determined by the Court. For purposes of this Regulation, a violation hereof shall constitute a separate offense. Nothing contained herein shall limit the penalty for violation of the Rules and Regulations with Reference to Operation, Equipment and Safety of Commercial Vessels on Ross Barnett Reservoir (Pearl River Valley Water Supply District) as promulgated from time to time by the Mississippi Department of Wildlife, Fisheries, and Parks.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 204 Chapter 5: Regulation of Solicitors and Peddlers.

Rule 5.1 *Solicitor*. A solicitor is any person traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares, and merchandise, personal property of any nature whatsoever, for future

delivery, or for services, whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale, or whether he is collecting advance payment on such sales or not.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 5.2 *Peddler*. A peddler is any person traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, meat, fish, vegetables, fruits, truck garden or farm products or provisions, offering and exposing them for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, sells or offers the same for sale from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 5.3 *Garage Sale*: The sale or offering for sale to the general public of items of tangible personal household property obtained by the seller for his or her personal use, whether within or outside any building. The sale of a single commodity, such as a vehicle, shall not constitute a "garage sale. " This term shall include "rummage sales", "yard sales", "attic sales" and all similar terms.

Rule 5.4 *Restrictions.* It shall be unlawful for any solicitor or peddler to go in or upon any portion of the Reservoir Project Area unless he first shall have been requested or invited so to do by the District or under permit from the respective county official.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 5.5 *Nonprofit organizations.* Persons representing bona fide religious, civic, charitable, cultural and governmental organizations not operated for profit for federal income tax purposes shall not be considered a Solicitor or Peddler for purposes of this section.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 5.6 *Conduct of Garage Sale at Any Location Other than a Single – Family Residence Prohibited: Time Limitation on Garage Sales*: Except for the conduct or operation of a garage sale as defined by this regulation, by a non-profit group or groups for charitable purposes, in any commercial zone, the conduct or operation of a garage sale at any location other than a single-family residence is prohibited. The conduct or operation of a garage sale for more than six days within a 12-month period is considered a commercial operation and is prohibited. Garage sales in single-family residential zones shall begin no earlier than 7:00 a.m. and conclude no later than 2:00 p.m. (Monday through Sunday). A permit from the PRVWSD Permit Department for the conduct or operation of ANY garage sale within the PRVWSD shall be required.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 5.7 *Penalty.* Each violation of this regulation shall constitute a misdemeanor and shall be punishable by a fine of not more than One Hundred Dollars ($100.00).

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 204 Chapter 6: Improvements.

Rule 6.1 *Restrictions.* It shall be unlawful for any person, firm or corporation without the prior written approval of the District and of the United States Army Corps of Engineers to construct or otherwise place over or in the Reservoir any dock, pier, boat slip, or any other improvement.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 6.2 *Penalty.* Each violation of this regulation shall constitute a misdemeanor and shall be punishable by a fine of not more than One Hundred Dollars ($100.00).

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 204 Chapter 7: Water and Sewer Service.

Rule 7.1 *Connection Required.* It shall be unlawful for any person, firm or corporation to occupy or permit occupancy of any residence or business or commercial structure located within the Reservoir Project Area and serviced by water and sewer lines of the District unless such residence or structure is connected to the water distribution system of the District.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 7.2 *Liability for Payment.* The owner of any premises receiving service of the utility system of the District, the occupant of such premises and the user of the services shall be jointly and severally liable for the payment of the cost of such utility service to such premises. All services are rendered to the premises by the District only upon the condition that such owner, lessee, occupant and/or user shall be jointly and severally liable therefor to the District.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 7.3 *Rates.* The monthly rates and amounts required to be paid for utility service shall be set by the Board of the District.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 7.4 *Non-payment.* Service will be discontinued to any patron of the District's utility system who fails, neglects or refuses to pay the amount billed within thirty-five (35) days of the billing date thereof. Water will not be supplied to any premises either directly or indirectly when the patron is in arrears at those premises.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 7.5 *Marina Pump-Out Stations*. No boat slip/pier shall be constructed or used for the purpose of mooring watercraft equipped with holding tanks unless sewer pump out facilities are provided to all slips. Such pump out facilities shall be vacuum type facilities approved by the District which serve from one to four slips from one common control point. Transient-type facilities may have the option of incorporating stationary pump-out unit(s). Additionally, all marinas must provide at least one "porta-potty" dump station. All existing boat slips/piers within public or private marinas on the Reservoir which moor water-craft equipped with a holding tank shall be modified to provide on site pump out facilities as described above on or before May 1, 2010.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 7.6 *Penalty.* Each violation of Part 204 Rule 7.5 shall constitute a misdemeanor and shall be punishable by a fine of One Thousand Dollars ($1,000.00). Additionally, any marina which fails to comply with Part 204 Rule 7.5 of this regulation shall immediately cease to moor any water-craft equipped with a holding tank until the marina is in compliance with this regulation.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 204 Chapter 8: Excessive Noise Prohibited.

Rule 8.1 *Loud, Disturbing and Unnecessary Noise Generally*. It shall be unlawful for any Person to create any unreasonably loud, disturbing and unnecessary noise within any portion of the Reservoir Project Area or for any Person to cause any noise of such character, intensity or duration as to be detrimental to the life or health of any individual or to cause any noise which creates a disturbance of the public peace and welfare or is a public nuisance.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 8.2 *Use of Loudspeakers and Amplifiers*. It shall be unlawful to operate or maintain any loudspeaker or amplifying device on the outside of any building or structure within the Reservoir Project Area whereby music, speaking or noises of any type are or may be transmitted outside the confines of a fully enclosed stone or wood structure; provided, however, that the General Manager of the District may, on being shown to his satisfaction that the operation thereof will not create an undue disturbance, grant a temporary permit to persons desiring to use loudspeakers or other electrical devices for parades or for religious, athletic, cultural, social or political gatherings to be held in any public park or public recreation area or on the waters of the Reservoir.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 8.3 *Playing of Radios, Television Sets, Etc.* It shall be unlawful for any Person to play any radio, television set, phonograph, tape deck, compact disc player or other sound system or any musical instrument in such a manner or with such volume at

any time or place, so as to annoy or disturb the quiet, comfort, repose of persons in any office or in any dwelling, hotel or other type of residence.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 8.4 *Penalty.* Each violation of this regulation shall constitute a misdemeanor and shall be punishable by a fine of not more than One Hundred Dollars ($100).

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 204 Chapter 9: Sale and Use of Fireworks Within Reservoir Project Area.

Rule 9.1 *Definition of Firework.* "Firework" as used in this Chapter shall mean and include any device for producing a striking display or noise by combustion of explosive or flammable compositions.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 9.2 *Prohibition of Sale of Firework.* It shall be unlawful within the Reservoir Project Area to sell or offer for sale any firework from any shed, tent, stand, platform, truck, van or other fixed or movable location, or to advertise any firework for sale.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 9.3 *Prohibition of Discharge of Firework.* It shall be unlawful for any person, firm or corporation to ignite, burn, discharge or otherwise shoot off any firework at, upon or within any public park, public recreation area, public boat launching ramp or facility (including a neighborhood ramp), public fishing pier, public parking area, public building or ground, or public street or right of way within the Reservoir Project Area, or upon, or at any dike, levee, groin, jetty or mole appurtenant to the waters within the Reservoir Project Area, or at, upon or within any parking area for motor vehicles maintained for patrons of commercial or recreational establishments on premises held under lease from the District; provided that, notwithstanding the foregoing, a commercial lessee of the District or a licensee of a public park or public recreation area of the District, but only with the prior written approval of the Parks Policy Committee of the Board of Directors of the District specifying such conditions as may be necessary to assure the safety of the general public, may ignite, burn, discharge or otherwise shoot off fireworks at, upon or within such of the aforesaid locations within the Reservoir Project Area as may be designated in such written approval, in conjunction with a public holiday celebration or special public event. Written application for such approval must be filed with the District not less than 45 days prior to the proposed event; no applicant shall receive approval for more than two events during any calendar year.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 9.4 *Penalty.* Each violation of this Section shall constitute a misdemeanor and shall be punishable by a fine of not more than $500.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 204 Chapter 10: Execution of Commercial and Residential Leases Within Reservoir Project Area.

Rule 10.1 *Form of Lease.* All leasing of property within the Reservoir Project Area by Pearl River Valley Water Supply District for any commercial, residential or other purpose shall be in substance as authorized by the Board of the District and shall be evidenced by a lease agreement in form and substance approved by the attorney for the District and the staff engineer.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 10.2 *Assignments of Leasehold or Leasehold Interest in Lot or Parcel*. All assignments or other transfers of leasehold agreements, or leasehold interests in lots or parcels in a leasehold estate, shall be in form approved by the District and its attorney, and the District's consent or approval to such assignment or other transfer must be obtained and be noted thereon.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 10.3 *Transfer Fee.* No such lease agreement shall be executed and no such assignment or other transfer of a leasehold agreement or leasehold interest in a lot or parcel shall be executed, approved, consented to or processed by the District unless the lessee or assignor shall pay, or cause to be paid, to the District a fee in the sum of $190, or such greater amount as shall be authorized by the Board of Directors of the District by resolution made a part of the minutes of the Board and filed with the Secretary of the Board.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 204 Chapter 11: Traffic Impact Analysis Standards.

Introduction. The purpose of this regulation is to establish a uniform policy for conducting a traffic impact analysis where the anticipated traffic movements from a commercial, residential, recreational or other development are expected to impact the operations or safety aspects of streets and/or traffic control devices adjacent to the development.

Rule 11.1 *Pre-Application Development.* The lessee of the proposed development (the "Developer"), as part of the pre-application process, shall meet with the General Manager of the District or his designee, who will make a preliminary assessment of the traffic impact of the proposed development. This review shall include, but not be limited to, consideration of traffic control devices, site access, on-site circulation and turn lanes.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 11.2 *Traffic Impact Assessment.* If the proposed development meets or exceeds the following predictor variables at full build-out or usage, then traffic impact analysis will be required:

Land Use Type	ITE Code	Quantitative Threshold
Residential	210, 220, 222, 230, 270	50+ Dwelling Units
Retail	814, 815, 820	15,000+ Square Feet
Office	710, 714, 715, 750, 770	30,000+ Square Feet Bldg or 3+ acres land
Industrial	110, 120, 130, 140	40,000+ Square Feet Bldg or 9+ acres land
Educational	520, 530, 550	20,000+ Square Feet Bldg. or 250+ Students
Lodging	310, 312, 320	100+ Occupied Rooms
Medical	610	30,000+ Square Feet Bldg.

For land use types not identified in this table, the threshold values of 50 peak-hour, peak-direction trips will apply as determined by information contained in the latest edition of the *ITE Trip Generation Manual*, or, if no longer published, any similar substitute manual designated by the General Manager. The General Manager or his designee may also require a traffic impact analysis if the traffic movements to and from the development could cause operational problems or safety concerns adjacent to the site. The above threshold values shall apply to all phases of a phased project if the sum of the phases equals or exceeds the threshold values.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 11.3 *Preparation of Traffic Impact Analysis*. The Developer will be required to submit a traffic impact analysis prepared by a professional engineer licensed in the State of Mississippi and who has expertise in the area of traffic engineering and traffic impact analysis.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 11.4 *Preliminary Plan Required.* Following the execution of the lease, the Developer shall submit to the General Manager or his designee along with the preliminary plans, two copies of the traffic impact analysis report conforming to the requirements below.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 204 Chapter 12: Traffic Impact Analysis Standards.

Rule 12.1 *Form.* The traffic impact analysis report shall be submitted on 8½" x 11" paper with attached drawings to be not greater than 11" x 17". If, for clarity purposes, additional larger plan-sized sheets are also necessary, they may be submitted with the report.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 12.2 *Type and Extent of Traffic Impact Analysis.* There will be basically two types of traffic impact analyses that are addressed below. They are 1) a moderate intensity analysis, and 2) a high intensity analysis. The analysis for high intensity traffic generation will require the same information as noted below for a moderate intensity analysis, plus additional study items addressed in Part 204 Rule 13.1. The General Manager or his designee may waive any or all of the items to be included in the traffic analysis report.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 12.3 *Moderate Intensity Traffic Impact Analysis*. As a minimum, the following items should be addressed in the moderate intensity traffic impact analysis report:

(a) The type of development and anticipated use.

(b) Map of site in relationship to street network.

(c) Estimated date of build-out or full use (phased development potential).

(d) The completed site plan with site access and adjacent roadway characteristics, geometrics, and traffic controls.

(e) Existing traffic, both ADT and peak hour movements on adjacent roads and at adjacent intersections.

(f) Existing level of service of adjacent roadways and intersections, including site access.

(g) Trip generation, trip distribution and traffic assignments (state assumptions).

(h) Horizon year level of service with and without proposed development, including background growth rate determination and note any committed projects.

(i) Review any potential safety or operational concerns and address proposed improvements to reduce or eliminate problems.

(j) Recommendations for site access or adjacent roadway improvements and traffic control modifications.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 204 Chapter 13: High Intensity Traffic Impact Analysis.

Rule 13.1 *Additional Analysis.* Additional analysis may be required if the following criteria are met:

(a) A development generates more than 100 peak-hour, peak-direction trips and the level of service of the adjacent street or intersections drops to a level of service less than "C"; or the development generates more than 100 peak-hour, peak-direction trips and roadway or traffic control modifications are necessary (i.e., turn lanes, acceleration-deceleration lanes, traffic signal installations, etc.).

(b) Other operational, safety, or traffic problems that will require significant changes in roadways or traffic control measures.

(c) If it is determined that the development may be considered a high intensity impact site, the Developer/engineer will meet again with the General Manager or his designee to define a study area for the entire impact analysis report.

(i) Additional analysis that may be required for a high intensity analysis are:

(1) Capacity analysis of all signalized and unsignalized intersections.

(2) Traffic control and traffic signal warrant analysis.

(3) Site access.

(4) On-site circulation and parking.

(5) Other related traffic engineering studies (i.e., gap, delay or speed studies; accident analysis).

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 204 Chapter 14: Implementation of Recommendations.

Rule 14.1 *Implementation.* After the traffic impact analysis report has been reviewed and approved by the General Manager or his designee, the Developer can then proceed with the construction drawings and specifications for required roadway and traffic control modifications/enhancements.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 204 Chapter 15: Preparation and Approval of Contact Drawings.

Rule 15.1 *Preparation and Approval.* The preparation and approval of the contact drawings and specifications will follow the procedures as included in the Residential Development Standards and Guidelines and Commercial Development Standards and Guidelines of the District, as amended or supplemented.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 204 Chapter 16: Cell Tower Regulation.

Introduction. From time to time it is necessary for telecommunications companies (the "Companies") to construct, erect and locate cell phone towers and other facilities (the "Facilities") on property owned by the District in order to provide service to their users. It is necessary for the District to control the location of such Facilities and the consideration paid by the Companies for the right to locate in order to regulate activities on lands owned by the District and to protect the water resources and the residential, commercial, recreational and other rights and interests of the District and its leaseholders in such lands and property.

Rule 16.1 *Location.* The location and site of Facilities built or erected on property owned by the District shall be determined by the Board, and no such Facilities shall be built or erected without the specific approval of the Board of the site location, the consideration paid for the location and all other terms and conditions of any easement, lease, right-of-way, permit or other instrument authorizing the construction and location of the Facilities. The Companies will provide any and all maps, plats or site drawings needed by the District to make such determinations.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 16.2 *Payment for Use.* No easement, right-of-way, permit, lease or other instrument authorizing the location and construction or erection of Facilities on the property of the District shall be executed and delivered to the Companies except for fair market value consideration paid for the interest conveyed and containing such terms and provisions determined by the Board as reasonable and necessary to protect the water resources and the residential, commercial, recreational and other rights of the District and its leaseholders in such lands and property.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 16.3 *Determination of Value.* The Board shall determine the fair market value of any property interest to be conveyed to the Companies and negotiate with the companies to recover such fair market value. The Board may use appraisals, reports or other documents in determining fair market value, but is not required to do so. In instances where Facilities are to be located on lands in which a third party (or parties) has a leasehold interest, the Board shall determine what portion of the consideration paid for the right to locate Facilities on the property shall be received by the leaseholder. The leaseholder shall have the right to submit appraisals and other documents or written evidence concerning the consideration paid to the leaseholder.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 204 Chapter 17: Rental Property Registration and Licensing Ordinance.

Rule 17.1 *Purpose.* The purpose of this Rental Property Registration and Licensing Ordinance ("RPRO") is to preserve and promote the public health, safety, and general welfare of the residents, and the public generally, within the body of land (the "Reservoir Project Area") owned by the District, and to provide an efficient system to ensure that residential rental property is properly maintained. The District recognizes that the most efficient system to provide for inspections of residential rental property is the adoption and implementation of this regulation creating a program requiring the registration and licensing of rental properties.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 17.2 *Definitions.*

(a) *Apartment*: A Dwelling Unit located in a Multiple-Household Dwelling for occupancy by one (1) Household, either rented or leased to the occupants.

(b) *Boarding House:* A building other than a hotel or motel where, for compensation and by prearrangement for definite periods, meals and/or lodging are provided for two (2) or more persons (other than legally related family members) on a weekly or monthly basis.

(c) *District Building Official:* The District official designated by the Board of Directors of the District to administer and enforce RPRO, and such representatives as may be appointed by such District official.

(d) *Certificate of Compliance*: A certificate issued pursuant to RPRO by the District Building Official to ensure that a Dwelling Unit is in conformance with the provisions of RPRO.

(e) *District*: The Pearl River Valley Water Supply District, an agency of the State of Mississippi.

(f) *Condominium*: An estate in real property consisting of an undivided interest in common of a portion of a parcel of real property, together with a separate interest in space in a residential building on such real property.

(g) *Duplex:* A detached residential building designed to be occupied by two (2) or more Households living independently of each other.

(h) *Dwelling*: A building, or portion thereof, which is designed and used for human habitation.

(i) *Dwelling, Single-Household:* A detached residential building designed for occupancy by one (1) Household.

(j) *Dwelling, Multiple-Household:* A building or group of buildings, or portion thereof, that is occupied by two (2) or more Households occupying each unit independently of each other. The term "Multiple-Household Dwelling" shall be deemed to include Duplexes, Townhouses and buildings containing Apartments or Condominiums. The provisions of RPRO shall apply both to specific Rental Units and the Owners of such Rental Units, as well as to the home owners' association or similar entity that owns, operates, manages, or maintains the Premises or Dwelling, or any portion thereof.

(k) *Dwelling Unit:* A room or group of rooms occupied or intended to be occupied as separate living quarters for one (1) Household.

(l) *Household:* One (1) person living alone, or two (2) or more persons living together as a single housekeeping unit, whether related to each other legally or not. The term "Household" shall be deemed to include domestic employees employed by such Household when such employees are on-premise residents. The term "Household" shall also be deemed to include groups occupying a Boarding House, Rooming House or similar Dwelling for group use that is not exempt under the provisions of RPRO.

(m) *Owner:* Any Person that individually, jointly, or severally with others: (1) has legal or equitable leasehold title to any Premises, Dwelling, Dwelling Unit, or Rental Unit, with or without accompanying actual possession thereof; or (2) has charge, care, or control of any Premises, Dwelling, Dwelling Unit, or Rental Unit as agent of the Owner or as receiver, executor, administrator, trustee, or guardian of the estate of the beneficial Owner.

(n) *Person:* An individual, firm, association, organization, partnership, trust, company, corporation, or other legal entity. The term "Person" shall be deemed to include any agent, assignee, receiver, executor, administrator, trustee, or guardian thereof.

(o) *Premises:* A lot, plot, or parcel of land upon which a Dwelling is located, including any other structures thereon.

(p) *Rental License:* A license issued pursuant to RPRO by the District Building Official allowing a Person to own, operate, manage or maintain a Single-Household or Multiple-Household Dwelling located in the District, which such Dwelling contains one (1) or more Rental Units.

(q) *Rental Unit:* A Dwelling Unit that is currently rented or leased to one (1) or more Tenants, at least one (1) of whom is not legally related to the Owner of such Dwelling Unit.

(r) *Rooming House:* A building where lodging only is provided for compensation to two (2) or more persons.

(s) *Same Ownership:* Ownership by the same individual, firm. association, organization, partnership, trust, company, corporation, or other legal entity; or ownership by different individuals, firms, associations, organizations, partnerships, trusts, companies, corporations, or other legal entities; in which an associate, member, partner, trustee. or shareholder or a member of his/her family, owns a legal or equitable interest in each firm, association, organization, partnership, trust, company, corporation, or other legal entity.

(t) *Tenant:* Any individual who occupies or has leasehold interest in a Rental Unit under a lease or rental agreement, whether oral or written, express or implied.

(u) *Townhouse:* A Multiple-Household Dwelling constructed as a series or group of attached Dwelling Units with property lines separating each unit.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 17.3 *Applicability*. The regulations contained in RPRO shall apply to all residential rental properties within the Reservoir Project Area except as otherwise provided herein.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 17.4 *Rental License.*

(a) Rental License Required. It shall be unlawful for any person to lease, operate, manage, or maintain a Single-Household or Multiple-Household Dwelling located within the Reservoir Project Area, which such Dwelling contains one (1) or more Rental Units, without a current and valid Rental License having been issued for such Dwelling. Any Person leasing, operating, managing, or maintaining one or more than one (1) such Dwelling shall obtain a Rental License for each separate location.

(b) Application. A written application for a Rental License, signed by the Owner or his/her agent, shall be filed with the District Building Official, upon a form provided by the District Building Official for such purpose. The following information shall be required in the application:

(i) The street address of the Dwelling.

(ii) The name, physical and mailing address and telephone number and, if available, telefax number, and email address of each Owner within the Same Ownership.

(iii) The name, address and telephone number, and, if available, telefax number and email address of an agent who is designated to receive notices and service of process and is authorized to grant consent for the District Building Inspector to inspect the Premises, Dwelling, Dwelling Units and Rental Units.

(iv) A license fee of one hundred dollars ($100) per Dwelling Unit.

(v) The number and type (by bedroom) of Dwelling Units.

(vi) If the written application is signed by an agent on behalf of the Owner, written authorization must be provided documenting the agent's authority.

(c) Duration. A Rental License shall be valid for a period of one (1) year from its issuance date. An application for renewal shall be filed within thirty (30) days prior to the expiration date.

(d) Updates required. If, subsequent to the issuance of a Rental License, the Dwelling for which such Rental License was issued is modified with the effect of adding or removing Dwelling Units, such Rental License shall be updated within thirty (30) days after such modification to reflect the new number of Dwelling Units.

(e) Display. A Rental License issued pursuant to RPRO for a Multiple-Household Dwelling shall be displayed in a conspicuous place at the rental unit, to which all Tenants have access.

(f) Application to existing Rental Units. Persons owning, operating, managing, or maintaining a Single-Household or Multiple-Household Dwelling located within the Reservoir Project Area, which such Dwelling contains one (1) or more Rental Units as of the Effective Date of this Regulation, shall apply for a Rental License no later than ninety (90) days after the Effective Date of this Regulation.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 17.5 Compliance Standards.

Obligation to comply. The Owner of a Rental Unit in a Single-Household or Multiple-Household Dwelling located in the District shall be responsible for complying with each of the following:

(a) The provisions of RPRO.

(b) All regulations of the District however titled or designated.

(c) Building codes of the District in effect at the time building permits were issued for such Dwelling, including the building, electrical, plumbing, and mechanical codes, subject to adoption of retroactive regulations by the District.

(d) State and federal housing laws and administrative regulations.

(e) Judicial and administrative decrees enforcing any of the provisions of RPRO or other regulations of the District; and/or state and federal housing laws and administrative regulations.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 17.6 Inspection and Certification.

(a) Certificate of Compliance required. It shall be unlawful for any Person to lease, operate, manage, or maintain a Rental Unit in a Single-Household or Multiple-Household Dwelling located within the Reservoir Project Area without a current and valid Certificate of Compliance having been issued for such Rental Unit. Any person leasing, operating, managing, or maintaining more than one (1) such Rental Unit shall obtain a Certificate of Compliance for each separate Rental Unit.

(b) Owner consent to inspection. The Owner, as a condition to the issuance of the Rental License, shall consent and agree to permit and allow the District Building Official to make the following inspections of the Premises, Dwelling, Dwelling Units, and Rental Units when and as needed to ensure compliance with the provisions of RPRO:

(i) Access to inspect all portions of the Premises and Dwelling, including common areas, storage areas, community buildings, equipment rooms, parking areas, and all other portion facilities.

(ii) Access to inspect all unoccupied Dwelling Units.

(iii) Access to inspect any Rental Unit when a complaint is filed by a Tenant of such Rental Unit or any District department to the effect that such Rental Unit may be existing in violation of any provision of RPRO.

(iv) Access to inspect any Rental Unit upon termination of a lease or rental agreement, reletting of such Rental Unit, or transfer of title to the Dwelling or any part of the Dwelling containing such Rental Unit.

(v) A one hundred dollar ($100.00) fee shall be paid for inspection and one follow-up inspection. A Fifty Dollar ($50.00) fee shall be paid for any unrepaired items causing a reinspection.

(c) Inspections authorized. The District Building Official is hereby authorized to make inspections of Premises, Dwellings, Dwelling Units, and Rental Units to determine the condition of such Premises, Dwellings, Dwelling Units, and Rental Units, in order that he/she may perform his/her duties of safeguarding the safety, health, and welfare of Tenants and of the general public.

(i) Right of entry. For the purpose of making the inspections and repairs required and authorized by the provisions of RPRO, the District Building Official is hereby authorized to enter, inspect, repair, alter, and improve all Premises, Dwellings, Dwelling Units, and Rental Units in accordance with the provisions of RPRO.

(ii) Owners, by reason of the terms of the Rental License accepted by Owner, shall be deemed to have voluntarily consented and authorized the District Building Official to enter their Premises, Dwellings, Dwelling Units, and Rental Units at reasonable times for the purpose of effecting such inspection as is necessary to comply with the provisions of RPRO.

(iii) Tenants, by reason of the terms of the Rental License, and the terms of their leases or rental agreements, shall be deemed to have consented and to have authorized the District Building Official to have access to their Rental Units at reasonable times for the purpose of effecting such inspection as is necessary to comply with the provisions of RPRO.

(iv) Should a Tenant or Owner refuse entry, the District Building Official shall be authorized by virtue of the terms of the Rental License to secure a judicial warrant authorizing entry as authorized in this Regulation.

(d) Duration. A Certificate of Compliance shall expire upon the termination of the rental agreement or lease governing the Rental Unit for which such Certificate of Compliance was issued. Prior to reletting the unit, the Owner shall notify the District of such intent to relet and obtain a new Certificate of Compliance. The District Building Official shall have ten (10) days following such notification to complete such inspection.

(e) Application to existing Rental Units. Persons owning, operating, managing, or maintaining a Rental Unit in a Single-Household or Multiple-Household Dwelling located in the District as of the date this Regulation is adopted shall notify the District of the existence of such Rental Unit no later than ninety (90) days after the Effective Date of this Regulation.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 17.7 Notice and Orders.

(a) Notice of inspection. The District Building Official shall provide reasonable advance notice to the Owner or agent as to the date and time of inspection. If such notice indicates that one (1) or more Rental Units will be inspected, the Owner or agent shall provide a copy of such notice to each affected Tenant.

(b) Notice of violation; orders to comply. Whenever the District Building Official determines that there has been a violation of the provisions of RPRO or has grounds to believe that a violation may have occurred based on a complaint filed by a Tenant or any District department to that effect, he/she shall give fifteen (15) days' notice of such alleged violation and orders to comply to the Owner or agent. Such orders shall be in writing and include the following:

(i) A description of each offending Rental Unit, Dwelling Unit, and portion of the Dwelling and Premises sufficient for identification.

(ii) A statement of the reasons for which the notice is being issued.

(iii) Correction orders allowing a reasonable time for completion of the repairs, alterations, or improvements required to bring each Rental Unit. Dwelling Unit, Dwelling, and Premises into compliance with the provisions of RPRO.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 17.8 Transfer of Ownership.

(a) Notification to District; new Owner's obligations. If an Owner transfers title or otherwise conveys his/her interest in a Dwelling for which a Rental License is currently issued, the new Owner shall notify the District within thirty (30) days after such sale or conveyance and provide the District with all information required of the original Owner on the application for such Rental License. The new Owner shall also designate a new registered agent to receive notices and service of process and to grant consent for the District to inspect the Premises, Dwelling, Dwelling Units, and Rental Units.

(b) Disclosure of violations and uncured orders. It shall be unlawful for the Owner of any Dwelling who has received a notice of violation and orders to comply pertaining to such Dwelling, which violation remains uncured, to transfer title to or otherwise convey his/her interest in such Dwelling unless he/she has furnished the vendee or grantee a copy of such notice and orders to comply and has given the District Building Official a notarized statement from the vendee or grantee acknowledging the receipt of the same and accepting legal responsibility for curing the violation.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 17.9 Suspension of Rental License and Compliance Certificate.

(a) Cause. An Owner's Rental License for a Dwelling, and Certificate of Compliance for a Rental Unit, shall be suspended if, having received written notice of a violation, the Owner fails to comply with the correction orders within the time set for correction by the District Building Official and takes no appeal.

(b) Effect of suspension. Notwithstanding any other provision of RPRO, it shall not be unlawful for any Person to continue leasing, operating, managing, or maintaining a Dwelling or Rental Unit whose Rental License or Certificate of Compliance, respectively, has been suspended. However, such Person shall not permit any new occupancies of vacant, or thereafter vacant Dwelling Units in such Dwelling, until such time as the Rental License and Certificate of Compliance are restored.

(c) Disconnection of utilities. The District Building Official may notify all public utility companies serving the Dwelling or Rental Unit that the Rental License and Certificate of Compliance have been suspended for violation of RPRO, and request that all public utility services be discontinued for such Dwelling or Rental Unit until notice of compliance is received. Any public utility company may refuse to connect any Dwelling or rental Unit until a Rental License or Certificate of Compliance is issued.

(d) Restoration. A suspended Rental License and Certificate of Compliance shall be restored upon compliance with the correction orders and request for restoration by the Owner.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 17.10 *Rental License Fee.* No Rental License shall be issued until all requirements of RPRO have been satisfied and payment made for such Rental License. The fee for a Rental License shall be one hundred dollars ($100) per Dwelling Unit, per year, and one hundred dollars ($100) per Dwelling as a whole, per year, and is non-refundable. Should payment be made by check or other instrument that is not honored, the Rental License for which such payment was made shall become null and void without additional action by the District. The fee shall be paid at the time the initial application is filed and at the time each renewal is filed. The fee for issuing a replacement or duplicate Rental License shall be one hundred dollars ($100). When a Rental License is updated to reflect the addition of Dwelling Units to a Dwelling, an additional fee for such Dwelling Units shall be paid, pro-rated for the remaining term of such Rental License.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 17.11 *Appeals.* An Owner or Tenant who disagrees with a determination or order of the District Building Official under RPRO, which determination or order concerns his/her Premises, Dwelling, Dwelling Unit, or Rental Unit, may appeal such determination or order to the Executive Committee of the Board of Directors of the District. The appeal shall be filed within ten (10) days after notification of the decision or order is given to the aggrieved party. The appeal shall be in writing on a form provided by the District for such purpose, and shall state the reasons why the appellant disagrees with such determination or order.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 17.12 *Exemptions.* The provisions of RPRO shall not apply to:

(a) An Owner-occupied Dwelling Unit, where such Owner allows joint occupancy of the Dwelling Unit, unless the portion of such unit that is rented or leased to the Tenant constitutes a separate Dwelling Unit as evidenced by separate kitchen facilities.

(b) Housing that is owned, operated, managed, or maintained by a government agency or authority.

(c) Housing that is exempted from municipal regulation by state or federal law or administrative regulation.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 17.13 *Violations.* Any Person who violates any provision of RPRO shall be subject to a fine not to exceed One Thousand Dollars ($1,000.00) or by imprisonment not to exceed fifteen (15) days, or both the amount of the fine and the term of the imprisonment, within the maximum limit set by Section 51-9-127 of the Mississippi Code of 1972, as amended, to be determined by the court.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 17.14 *No Warranty by District.* By adopting and undertaking to enforce RPRO, neither the District nor its Board of Directors, agents, or employees warrant or guarantee the safety, fitness, nor suitability of any Premises, Dwelling, Dwelling Unit, or Rental Unit located within the Reservoir Project Area. Owners and Tenants should take whatever lawful steps they deem appropriate to protect their interests, property, health, safety, and welfare.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 17.15 *Severability.* Every section, subsection, or provision of RPRO is declared separable from every other section, subsection, or provision to the extent that if any section, subsection, or provision of RPRO shall be held invalid, such holding shall not invalidate any other section, subsection, or provision thereof.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 17.16 *Enforcement.*

(a) Discontinuance of water service. The District Building Official may notify the Owner and may post notice at the Rental Unit, Dwelling Unit, Dwelling or Premises that potable water service will be discontinued within no less than sixty days from the date of the notification unless the violation of this regulation is corrected. In order to reinstate water service, the violation must be cured in accordance with the correction orders and the applicable re-connect fee paid, together with any past due water bills.

(b) The District may enforce this Regulation in a court of competent jurisdiction and seek a fine not to exceed One Thousand Dollars ($1,000.00) or by imprisonment not to exceed fifteen (15) days, or both the fine and term of imprisonment.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 17.17 *Effective Date.* This Regulation shall take effect on February 27, 2009.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Title 33: River and Waters

Part 205: Regulations Pertaining to Electrical and Standard Codes/Construction and Occupancy Permits/Use of Architects and Engineers

Part 205 Chapter 1: Electrical and Standard Codes/Construction and Occupancy Permits/Use of Architects and Engineers.

Rule 1.1 *International Building Codes.* The District adopts the 2015 International Building Code®, the 2015 International Residential Building Code®, the 2015 International Plumbing Code®, the 2015 International Property Maintenance Code®, the 2015 International Mechanical Code®, the NFP 70, the 2015 International Energy Conservation Code®, the 2015 International Swimming Pool & Spa Code®, the 2015 International Fuel & Gas Codes®, and the 2014 National Electrical Code® (the "Codes") as regulations of the District. With regard to Section 101.1 in the above listed codes, "name of jurisdiction" shall be replaced with "Pearl River Valley Water Supply District, an agency of the State of Mississippi." A copy of the Codes shall be maintained at all times in the office of the District's Building Inspector.

The following additions, deletions, and modifications shall be incorporated with the adoption of the International Building Code, 2015 Edition:

A. Section R107 Submittal Documents:

To the end of Section R107.1, add "all foundation plans must be stamped and signed by a design professional."

B. Section R111 Certificate of Occupancy: Section R111.2, delete #11.

The following additions, deletions, and modifications shall be incorporated with the adoption of the International Residential Code:

A. Section R105 Permits:

Section R105.2 – Work Exempt from Permit, delete #2 and #3.

B. Section R106 Construction Documents:

Add to the end of Section R106.1, "All foundation plans must be stamped and signed by a design professional.

C. Section R110 Certificate of Occupancy:

Section R110.3 – Certificate Issued, delete #8

D. Section P2904 – Dwelling Unit Fire Sprinklers:

Delete entire section.

E. Section R303 – Light, Ventilation, and Heating:

Section R303.3 – Bathrooms, Exception:

Add “or to a ventilated attic.”

The fees for activities and services performed by the Building Inspector or his staff in carrying out the responsibilities under this code shall be as indicated, from time to time, by the Board of Directors of the District and contained in its official public minutes.

The term "code official" as used herein shall mean the District's Building Inspector.

Anyone aggrieved by any action or decision of the Building Inspector or a notice or order issued under this code shall have the right to obtain a Declaratory Opinion pursuant to Part 201, Chapter 4 of the District's regulations.

"Owner" shall mean any person, agent, operator, firm, trust or other legal or equitable organization having a legal or equitable interest in the property; or recorded in the official records of the state, county or District office as holding leasehold title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person. The term shall not include the District, the fee owner and lessor of all of the property.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 1.2 *Permit Required.* No person shall within the Reservoir Project Area construct, expand or renovate any building or other structure intended for occupancy by humans, including but not limited to assembly occupancy, business occupancy, commercial occupancy, educational occupancy, institutional occupancy, recreational occupancy and single-family or multi-family residential occupancy, without first having applied for and obtained a Construction Permit from the District. No person shall occupy or use any such building or other structure within the Reservoir Project Area without first having applied for and obtained a Use and Occupancy permit from the District.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 1.3 *Application Fee.* An application for a Construction Permit shall be accompanied by payment of an application fee in such amount as may be from time to time prescribed by the Board of Directors of the District. No Use and Occupancy Permit shall be issued unless all inspection fees, including such fees for periodic and final inspection as may be from time to time prescribed by the Board of Directors of the District, shall be paid in full and final inspection approval given by the General Manager or his designee.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 1.4 *Fees Doubled.* Where work or occupancy for which a permit is required by this Regulation is started or proceeded prior to obtaining said permit, the fees

specified shall be doubled, but the payment of such double fee shall not relieve any person from complying fully with the requirements of this Regulation in the execution of the work or from any other penalties prescribed by regulation or in the policies of the District.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 1.5 *Specifications Required.* Two copies of specifications, and of drawings drawn to scale with sufficient clarity in detail to indicate the nature and character of the work, shall accompany each application for a Construction Permit. Such drawings and specifications shall contain information in the form of notes or otherwise as to the quality of materials where quality is essential to conformity to all applicable Codes. Such information shall be specific and the General Manager or his designee may require details, computations, stress diagrams and other data necessary to describe the installation and basis of calculations.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 1.6 *Signature Required.* All drawings, specifications and accompanying data shall bear the name and address of the designer. If the building or structure will be used for assembly occupancy, business occupancy, educational occupancy or institutional occupancy (as those terms are defined in the Standard Building Code), the designer shall be an architect or engineer legally registered under the laws of the State of Mississippi regulating the practice of architecture or engineering, and the designer shall affix his official seal to said drawings and specifications and accompanying data.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 1.7 *Fire Resistance Integrity.* Plans for all buildings shall indicate how required structural and fire resistance integrity will be maintained where a penetration of a required fire resistant wall, floor or partition will be made for electrical, mechanical, plumbing and communication conduits, pipes and systems and also shall indicate in sufficient detail how the fire integrity will be maintained where required fire resistant floors intersect the exterior walls.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 1.8 *Site Plan.* Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The District may require a boundary line survey prepared by a qualified surveyor.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 1.9 *Penalty.* Each violation of this regulation shall constitute a misdemeanor and shall be punishable by a fine not less than $100.00 nor more than $1,000.00 for each such offense.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Title 33: River and Waters

Part 206: Regulations Pertaining to Property Maintenance

Part 206 Chapter 1: Property Maintenance Regulation.

Rule 1.1 2015 International Property Maintenance Code®. The District hereby adopts the 2015 International Property Maintenance Code® published by the International Code Council, Inc. (the "Maintenance Code") as a regulation of the District in all respects, except as hereinafter modified, amended, substituted and changed. A copy of the Maintenance Code shall be maintained at all times in the office of the District's Building Inspector. With regard to this section in the above listed code, "name of jurisdiction" shall be replaced with "Pearl River Valley Water Supply District, an agency of the State of Mississippi." The provisions of this Maintenance Code shall supersede and control over any restrictive or protective covenants applicable to the subject property.

The following amendments to the Maintenance Code are hereby adopted:

A. Amend Section 103 – Department of Property Maintenance Inspection

Delete Sections 103.1, 103.2, 103.3.

Amend Section 103.5. Fees as follows:

The fees for activities and services performed by the Building Inspector or his staff in carrying out the responsibilities under this code shall be as indicated, from time to time, by the Board of Directors of the District and contained in its official public minutes.

B. Amend Section 104 – Duties and Powers of the Code Official

Add to Section 104.1: The term "code official" as used herein shall mean the District's Building Inspector.

C. Amend Section 106 – Violations

Delete the first sentence of Section 106.3 and add the following:

Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be subject to a fine of not more than One Thousand Dollars or by imprisonment not to exceed fifteen days, or both, as determined by the court.

D. Amend Section 108.2 Closing of vacant structures.

The last sentence is amended as follows: Upon failure of the owner to close up the premises within the time specified in the order, the code official may cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons.

E. Amend Section 110.3 Failure to Comply

If the owner of premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons.

F. Amend Section 111 – Means of Appeal

Section 111 is deleted in its entirety. Anyone aggrieved by any action or decision of the Building Inspector or a notice or order issued under this code shall have the right to obtain a Declaratory Opinion pursuant to Part 201 Chapter 4 of the District's regulations.

G. Amend Definition of "Owner"

"Owner" shall mean any person, agent, operator, firm, trust or other legal or equitable organization having a legal or equitable interest in the property; or recorded in the official records of the state, county or District office as holding leasehold title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person. The term shall not include the District, the fee owner and lessor of all of the property.

H. Amend Section 301 – General

1. Add Section 301.4 – Nuisance. The existence of any condition(s) on buildings, accessory structures, or property, which has an adverse impact on the safety, health, environment, aesthetics or property values of properties in the near vicinity as a result of being visible from outside the property, is declared to be a nuisance. Any property that is damaged or destroyed by fire or acts of nature shall be demolished or repairs must begin within three months of the damage or destruction.

2. Add Section 301.5 – Storage. It shall be unlawful for any owner or tenant to store any items such as, but not limited to, washers, dryers, refrigerators, ovens, freezers, lawn mowers, string trimmers, edgers, tillers, rakes, shovels, other gardening supplies, toys, recliners, ice chest, boxes, crates, storage bins, storage tubs, file cabinets, grills, kennels, barrels, drums, cans, bottles, wood, metal, plastic, rags, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; scrap iron, tin, and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation on a porch, breezeway, balcony, front yard or side yard if the porch, breezeway, balcony, front yard or side yard is visible from any street.

3. Add Section 301.6 – Storage Units.

(a) A portable home storage unit (“POD”) is defined as a portable shed or storage container, storage unit, shed-like container or other portable structure that can or

may be used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building other than an accessory structure. It shall be unlawful for any owner or tenant to place a POD upon any property without having in his or her possession a validly issued permit from the Building Inspector. All permits for location of a POD shall have an initial expiration date of thirty (30) days from issuance. A permit may be extended for an additional thirty (30) days if such extension is requested prior to the expiration of the initial 30-day period. The Board of Directors shall, from time to time, establish the amount of the fee for the initial issuance of the permit and for an extension. Only one extension will be granted.

(b) No POD may be located in any street or on unpaved portions of front yards of a property. POD units must be kept in the driveway of the property at the furthest accessible point from the street. All locations must be paved offstreet surfaces. Any other location must be pre-approved by the Building Inspector at his or her discretion.

I. Amend Section 302 – Exterior Property Areas

1. Modify Section to 302.4 – Weeds. Insert "18 inches or hereinafter provided" for "(jurisdiction to insert height in inches)." Vegetation located on an unimproved, cleared lot shall be maintained to prohibit vegetation over 30 inches high.

2. Add to Section 302.7 – Accessory Structures. Fences and walls shall be free from loose, missing, broken, rotting materials or materials inconsistent with the overall materials in the fence and shall have braces and supports attached or fastened in accordance with common building practices. Fences shall not exceed eight feet in height and shall not unreasonably interfere with neighboring properties view of the Ross Barnett Reservoir, any such fence being considered a "spite fence" detrimental to the public welfare and community property values. Any fence constructed as of the effective date of this Regulation in excess of eight feet will be allowed as a non-conforming use but such fence may not be enlarged, expanded, extended or rebuilt in the event of destruction of fifty percent or more of the fence or other accessory structure.

3. Add to Section 302.8 –The term "Motor Vehicles" shall mean without limitation every device in, upon or by which any person or property is or may be transported upon a street or highway, including without limitation, automobiles, trucks, jeeps, motorcycles, all terrain vehicles, off road vehicles, motor bikes, buses, vans, dirt bikes and three- or four-wheelers.

4. Add Section 302.10 – Construction Projects. The following conditions shall be prohibited in residential areas:

   302.10.1 Construction projects that are on-going for more that twelve months (exceptions: construction projects with valid building permit may request a time extension due to extenuating circumstances, such as natural disasters.)

302.10.2 Scattered building or repair materials in a yard.

302.10.3 Storage of construction, repair, or maintenance materials or equipment that are not to be used on the premises.

302.10.4 Construction debris and refuse remaining on property for more than thirty days.

302.10.5 Lumber or construction materials (excluding materials for construction project on the property with a current valid permit), salvage items (junk), including, but not limited to, auto parts, scrap metals, tires, and the like stored on property in excess of seventy-two hours and visible from a public street, walkway or alley or other public property.

302.10.6 Abandoned, dismantled, wrecked, inoperable, unlicensed, and discarded objects, equipment or appliances such as, but not limited to vehicles, boats, water heater, refrigerators, furniture which is not designed for outdoor use, household fixtures, machinery, equipment, cans, or containers standing or stored on property or on sidewalks or streets which can be viewed from a public street or walkway, alley, or other public property.

302.10.7 Building or repair materials and building, maintenance, or repair equipment stored for more than thirty days.

302.10.8 Piles of dirt, sand, gravel, rock, mulch in excess of fourteen (14) days.

J. Amend Section 304 – Exterior Structure

Add to Section 304.13 the following language: 304.13.3 No windows, door, or building exteriors shall be covered with but not limited to, aluminum foil, cardboard, plywood, or plastic, except during construction or pending repairs not exceeding thirty (30) days. Existing screens on doors or windows shall not be torn or in need of repair or replacement.

Any person failing to comply with a notice of violation or order served in accordance with Section 107 of the Maintenance Code shall be subject to a fine of not more than One Thousand Dollars or by imprisonment not to exceed fifteen days, or both, as determined by the court.

If any section, subsection, sentence, clause or phrase of this Regulation is, for any reason, held to be unconstitutional or otherwise unenforceable, such decision shall not affect the validity of the remaining portions of this Regulation.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Title 33: River and Waters

Part 207: Rules And Regulations Promulgated By The Mississippi Department Of Wildlife, Fisheries, And Parks

Part 207 Chapter 1: Statutory Preemption.

Rule 1.1 *General.* These regulations shall in no way alter, affect or amend any Rules and Regulations relating to hunting, fishing, or boating in, along or around the Reservoir promulgated from time to time by the Mississippi Department of Wildlife, Fisheries, and Parks.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Title 33: River and Waters

Part 208: Flood Damage Prevention Ordinance

Part 208 Chapter 1: Statutory Authorization, Findings Of Fact, Purpose And Objectives.

Rule 1.1 *Statutory Authorization*. The Legislature of the State of Mississippi has in Title 17, Chapter 1, Mississippi Code 1972 Annotated 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 Directors of the District, an agency of the State of Mississippi does hereby adopt the following floodplain management regulations.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 1.2 *Findings of Fact.*

(a) The flood hazard areas of the District 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.

(b) These flood losses are caused by the cumulative effect of obstructions in floodplains 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.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 1.3 *Statement of Purpose.* It is the purpose of this ordinance 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:

(a) 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;

(b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

(d) Control filling, grading, dredging and other development which may increase erosion or flood damage, and;

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 1.4 *Objectives.* The objectives of this ordinance are:

(a) To protect human life and health;

(b) To minimize expenditure of public money for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in floodplains;

(f) 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;

(g) To ensure that potential homebuyers are notified that property is in a flood area.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 1.5 *Methods of Reducing Flood Losses.* In order to accomplish its purposes, this ordinance includes methods and provisions for:

(a) 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;

(b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(d) Controlling filling, grading, dredging, and other development which may increase flood damage; and,

(e) Preventing or regulating the construction of flood barriers that will unnaturally divert floodwaters or may increase flood hazards in other areas.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 208 Chapter 2: Definitions.

Rule 2.1 *Definitions.* Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

(a) **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.

(b) **A1 – A30 and AE zone** is the Special Flood Hazard Area inundated by the 100-year flood, base flood elevations are determined.

(c) **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.

(d) **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.

(e) **Appeal** means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance or a request for a variance.

(f) **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.

(g) **A99 zone** is that part of the SFHA inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction, no base flood elevations are determined.

(h) **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.

(i) **B and X zones (shaded)** are areas of 500-year flood, areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile, and areas protected by levees from the base flood.

(j) **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").

(k) **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/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

(l) **Basement** means that portion of a building having its floor sub-grade (below ground level) on all sides.

(m) **Breakaway wall** means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

(n) Building see Structure.

(o) **C and X (unshaded) zones** are areas determined to be outside the 500-year floodplain.

(p) **Community** is a political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

(q) **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.

(r) **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.

(s) **D zone** is an area in which the flood hazard is undetermined.

(t) **Dam** is any artificial barrier, including appurtenant works, constructed to impound or divert water, waste-water, liquid borne materials, or solids that may flow if saturated. All structures necessary to maintain the water level in an impoundment or to divert a stream from its course will be considered one dam.

(u) **Development** means any man-made 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.

(v) **Elevated building** means a non-basement 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.

(w) **Elevation Certificate** is a certified statement that verifies a building's elevation information.

(x) **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.

(y) Enclosure Below the Lowest Floor see Lowest Floor.

(z) **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.

(aa) **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.

(bb) **Existing Construction** any structure for which the "start of construction" commenced before October 18, 1974 for areas within Hinds County, August 11, 1978 for areas within Madison County, May 20, 1977 for areas within Leake County, June 17, 1977 for areas within Scott County, and December 13, 1974 for areas within Rankin County.

(cc) **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 October 18, 1974 for areas within Hinds County, August 11, 1978 for areas within Madison County, May 20, 1977 for areas within Leake County, June 17, 1977 for areas within Scott County, and December 13, 1974 for areas within Rankin County.

(dd) **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).

(ee) **Fill** means a deposit of earth material placed by artificial means.

(ff) **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.

(gg) **Flood or flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(i) The overflow of inland or tidal waters;

(ii) The unusual and rapid accumulation or runoff of surface waters from any source.

(hh) **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.

(ii) **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.

(jj) **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.

(kk) **Flood Insurance Study (FIS)** is the official hydraulic & 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.

(ll) **Floodplain** means any land area susceptible to being inundated by flood waters from any source.

(mm) **Floodplain 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 floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

(nn) **Floodplain Administrator** is the individual appointed to administer and enforce the floodplain management regulations.

(oo) **Floodplain management regulations** means this ordinance 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.

(pp) **Floodproofing Certificate** is a form used to certify compliance for non-residential structures as an alternative to elevating buildings to or above the BFE.

(qq) **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.

(rr) **Floodway fringe** means that area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

(ss) **Freeboard** means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain 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.

(tt) **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.

(uu) **Hardship** (as related to variances of this ordinance) means the <u>exceptional</u> hardship that would result from a failure to grant the requested variance. The Board of Directors 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.

(vv) **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 mis-operation 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).

(ww) **High hazard dam** means a class of dam in which failure may cause loss of life, serious damage to residential, industrial, or commercial buildings; or damage to, or disruption of, important public utilities or transportation facilities such as major highways or railroads. Dams which meet the statutory thresholds for regulation that are proposed for construction in established or proposed residential, commercial, or industrial areas will be assigned this classification, unless the applicant provides convincing evidence to the contrary. A development permit is required for a building and associated fill downstream from a dam at any location where flooding can be reasonably anticipated from principal or emergency spillway discharges, or from overtopping and failure of the

dam. The dam at the Ross Barnett Reservoir spillway is a "high hazard dam" for purposes of this ordinance.

(xx) **Highest adjacent grade** means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

(yy) **Historic Structure** means any structure that is:

(i) 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:

(ii) 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:

(iii) 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

(iv) 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.

(zz) **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.

(aaa) **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.

(bbb) **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:

(i) 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.

(ii) 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.

(iii) 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.

(ccc) **Levee** means a man-made 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.

(ddd) **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.

(eee) **Low hazard dam** means a class of dam in which failure would at the most result in damage to agricultural land, farm buildings (excluding residences), or minor roads.

(fff) **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.

(ggg) **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.

(hhh) **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."

(iii) **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.

(jjj) **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.

(kkk) **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.

(lll) **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.

(mmm)**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 ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

(nnn) **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.

(ooo) **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.

(ppp) **National Geodetic Vertical Datum (NGVD)** as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

(qqq) **New Construction** means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

(rrr) **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.

(sss) **Non-Residential** means, but is not limited to; small business concerns, churches, schools, farm buildings (including grain bins and silos), poolhouses, clubhouses, recreational buildings, mercantile structures, agricultural and industrial structures, warehouses, and hotels or motels with normal room rentals for less than 6 months duration.

(ttt) **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.

(uuu) **One-Hundred Year Flood** (100-Year Flood) is the flood that has a 1-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.

(vvv) **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.

(www) **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.

(xxx) **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.

(yyy) **Probation** a means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

(zzz) **Public safety and nuisance**, 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.

(aaaa) **Recreational vehicle** means a vehicle that is:

(i) Built on a single chassis;

(ii) 400 square feet or less when measured at the largest horizontal projection;

(iii) Designed to be self-propelled or permanently towable by a light duty truck; and,

(iv) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(bbbb) **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.

(cccc) **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.

(dddd) **Repair** means the reconstruction or renewal of any part of an existing building.

(eeee) **Repetitive Loss** means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, equals or exceeds twenty-five percent of the market value of the structure before the damage occurred.

(ffff) **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.

(gggg) **Significant hazard dam** means a dam assigned the significant hazard potential classification where failure may cause damage to main roads, minor railroads, or cause interruption of use, or service of relatively important public utilities.

(hhhh) **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 Zone A, AE, A1 – A30, AH, AO, AR, V, VE, or V1-V30.

(iiii) **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.

(jjjj) **Structure** means all walled and roofed buildings, including gas or liquid storage tanks and manufactured homes that are principally above ground.

(kkkk) **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 (2) or more lots or parcels.

(llll) **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.

(mmmm) **Substantial Damage** 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. The term includes Repetitive Loss buildings (see definition).

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:

(i) 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

(ii) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure", or

(iii) Any improvement to a building.

(nnnn) **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:

(i) 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

(ii) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure." or

(iii) Any building that has been damaged from any source or is categorized as repetitive loss.

(oooo) **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.

(pppp) **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.

(qqqq) **Variance** is a grant of relief from the requirements of this ordinance, which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

(rrrr) **Violation** means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

(ssss) **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.

(tttt) **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.

(uuuu) **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.

(vvvv) **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.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 208 Chapter 3: General Provisions.

Rule 3.1 *Lands To Which This Ordinance Applies*. This ordinance shall apply to all areas of special flood hazard (SFHA) within the jurisdiction of the Board of Directors of the District.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 3.2 *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 (multiple panels) numbers 25, 50, 55, 60, 65 and 70 dated January 1, 1996 and March 2, 1993 respectively, and other supporting data are adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and / or maps are on file at the office of the District, Permit Department.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 3.3 *Establishment Of Floodplain Development Permit.* A development permit shall be required in conformance with the provision of this ordinance prior to the commencement of any development activities in the areas of special flood hazard.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 3.4 *Compliance*. No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 3.5 *Abrogation And Greater Restrictions*. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 3.6 *Interpretation*. In the interpretation and application of this ordinance all provisions shall be:

(a) Considered as minimum requirements;

(b) Liberally construed in favor of the governing body, and;

(c) Deemed neither to limit nor repeal any other powers granted under state statutes.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 3.7 *Warning And Disclaimer Of Liability*. The degree of flood protection required by this ordinance 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 man-made or natural causes. This ordinance 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 ordinance shall not create liability on the part of {governing body} of {county or municipality} or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 3.8 *Penalties Violation*. Violation of the provisions of this ordinance 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 ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than **$1,000.00** or imprisoned for not more than **15** 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 Floodplain Administrator from taking such other lawful actions as is necessary to prevent or remedy any violation.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 208 Chapter 4: Administration.

Rule 4.1 *Designation Of Flood Damage Prevention Ordinance Administrator*. The Board of Directors of the District hereby appoints the Building Official or, in his absence, the General Manager, to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator and/or the administrator.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 4.2 *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:

(a) Application Stage.

(i) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings;

(ii) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed;

(iii) Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the floodproofing criteria in Part 208 Rule 5.2(b) and Part 208 Rule 5.4(b);

(iv) Description of the extent to which any watercourse will be altered or relocated as result of proposed development, and;

(b) Construction Stage.

Upon placement of the lowest floor, or flood-proofing 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' risk. (The Floodplain Administrator shall review the lowest floor & 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.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 4.3 *Powers, Duties And Responsibilities Of The Floodplain Administrator*. The Floodplain Administrator and/or staff is hereby authorized and directed to enforce the provisions of this ordinance. The administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

Right of Entry

(1) Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, 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 ordinance.

(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) When 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 ordinance.

Stop Work Orders

(1) Upon notice from the administrator, work on any building, structure or premises that is being done contrary to the provisions of this ordinance 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.

Revocation of Permits

(1) The administrator may revoke a permit or approval, issued under the provisions of this ordinance, 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 ordinance.

Duties of the administrator shall include, but not be limited to:

(1) Review all development permits to assure that the permit requirements of this ordinance 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 Part 208 Rule 4.2(b).

(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 Part 208 Rule 4.2(b).

(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 Section.

(9) When base flood elevation data or floodway data have not been provided in accordance with Part 208 Rule 3.2, 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 Part 208 Chapter 5.

(10) Provide information, testimony, or other evidence, as needed during variance request hearings.

(11) When damage occurs to a building or buildings, the following actions shall be conducted:

(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.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 208 Chapter 5: Provisions For Flood Hazard Reduction.

Rule 5.1 *General Standards*. In all areas of special flood hazard the following provisions are required:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(b) 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;

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(d) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(e) 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;

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(g) 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;

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance; and,

(j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

(k) 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 Floodplain Administrator.

(l) 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.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 5.2 *Specific Standards*. In all areas of special flood hazard where base flood elevation data have been provided, as set forth in Part 208 Rule 3.2, the following provisions are required:

(a) 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 Part 208 Rule 5.2(c).

(b) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential 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 flood-proofed 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 Part 208 Rule 4.3(9).

(c) 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.

(i) 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);

(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;

(4) Limited to less than 300 square feet; and,

(5) Limited in use to parking, storage and building access.

(ii) 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

(iii) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(d) Detached storage buildings, shed, or other like accessory improvements, excluding detached garages, carports, and boat houses used primarily for parking and storage of vehicles, will be allowed up to no more than 100 square feet of unfinished, non-partitioned and enclosed storage space. Such storage space shall not be used for human habitation and shall be limited to storage of items that can withstand exposure to the elements and have low flood damage potential. The storage space shall be constructed of flood resistant or breakaway materials, and equipment and service utilities, such as electrical outlets, shall be limited to essential lighting and other incidental uses, and must be elevated or floodproofed. Openings to preclude hydrostatic loading and allow ventilation as provided in Part 208 Rule 5.2(b) shall also be required. These accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

(e) Accessory improvements and other apparent structures shall be firmly anchored to prevent flotation that may result in damage to other structures.

(f) <u>Standards for Manufactured Homes and Recreational Vehicles</u>.

(i) 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, and

(2) Have its lowest frame member 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.

(ii) 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 this Part 208 Chapter 5.

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."

(iii) All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement.

(g) Floodways. Located within areas of special flood hazard established in Part 208 Rule 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:

(i) 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;

(ii) If Part 208 Rule 5.2 (f) (i) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Part 208 Chapter 5.

(iii) 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 and the elevation standards of Part 208 Chapter 5 and the encroachment standards of Part 208 Rule 5.2 (g) (i) are met.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 5.3 *Reserved For Future Use.*

Rule 5.4 *Standards For Shallow Flooding Zones*. Located within the areas of special flood hazard established in Part 208 Rule 3.2 are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet (1 - 3'), where a clearly defined channel does not exist and the water path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(a) All new construction and substantial improvements of residential structures shall:

(i) 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 (2) feet above the highest adjacent grade with an additional freeboard of at least 1 foot.

(b) All new construction and substantial improvements of non-residential structures shall:

(i) 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 (2) feet above the highest adjacent grade with an additional freeboard of at least 1 foot.)

(ii) 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 Part 208 Rule 5.2(b).

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 5.5 *Reserved For Future Use.*

Rule 5.6 *Standards For Subdivision Proposals.*

(a) All subdivision proposals shall be consistent with the need to minimize flood damage;

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;

(d) 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 five lots or five acres, whichever is the lesser.

(e) 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.

(f) In order for the Floodplain Administrator to consider waiving the requirement of Part 208 Rule 5.6(e) 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.

(g) 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:

Distance in feet from Zone A 100 year floodplain	Minimum Slope from Zone A – 100 year flood plan 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 non-residential structures lowest floor elevation also must be elevated 1.5 feet above the ground level on the buildable pad or site.

(h) If a waiver is granted for Part 208 Rule 5.6(e), the subdivider/applicant must comply with the following:

(i) 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.

(ii) 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.

(i) Notice must be sent to the State NFIP Coordinator indicating that a waiver has been granted for Part 208 Rule 5.6(e) providing written details of the waiver for any waiver granted by the Floodplain Administrator.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 5.7 *Reserved For Future Use*.

Rule 5.8 *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.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 208 Chapter 6: Variance Procedures.

Rule 6.1 *Designation Of Variance And Appeals Board*. The Board of Directors of the District shall hear and decide appeals and requests for variances from requirements of this ordinance.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 6.2 *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 ordinance. Any person aggrieved by the decision of the board may appeal such decision to a court of competent jurisdiction within the county in which the affected property is located.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 6.3 *Variance Procedures*. In passing upon such applications, the Board of Directors shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

(a) The danger that materials may be swept onto other lands to the injury of others;

(b) The danger of life and property due to flooding or erosion damage;

(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(d) The importance of the services provided by the proposed facility to the community;

(e) The necessity to the facility of a waterfront location, where applicable;

(f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(g) The compatibility of the proposed use with existing and anticipated development;

(h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(i) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(j) 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

(k) 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.

(l) Upon consideration of factors listed above, and the purpose of this ordinance, the Board of Directors may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

(m) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 6.4 *Conditions For Variances*.

(a) Variances shall only be issued when there is:

(i) A showing of good and sufficient cause;

(ii) A determination that failure to grant the variance would result in exceptional hardship; and,

(iii) 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.

(b) 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.

(c) 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 Part 208 Rule 6.5.)

(d) 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 Part 208 Rule 6.5.)

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 6.5 *Variance Notification*. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

(a) 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 for $100 of insurance coverage; and

(b) 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 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.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 6.6 *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.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 6.7 *Special Conditions*. Upon consideration of the factors listed in Part 208 Chapter 6, and the purposes of this ordinance, the Board of Directors may attach such conditions to the granting of variances, as it deems necessary to further the purposes of this ordinance.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 6.8 *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.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 208 Chapter 7: Severability.

Rule 7.1 *Severability*. If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Title 33: River and Waters

Part 209: Regulation Controlling The Size, Location, Character, Appearance And Other Pertinent Features Of All Exterior Signs

Part 209 Chapter 1: Introduction and Definitions.

Introduction. The following shall be known and cited as the Pearl River Valley Water Supply District Sign Regulations. EXCEPTION: Part 2.09 is applicable to all District Properties not located within Rankin County's Reservoir Community Zoning Overlay District (RCZOD). District Properties located with Rankin County's Reservoir Community Zoning Overlay District will adhere to RCZOD's signage ordinances.

Rule 1.1 Definitions.

(a) *Abandoned Sign:* A sign which no longer advertises a bona fide business, lessor, on the premises where such sign is displayed.

(b) *Animated Sign:* Any sign which includes action or motion. For purposes of these Regulations, this term does not refer to flashing or changing, which is separately defined.

(c) *Background Area:* The entire area of a sign on which copy could be placed, not including permanent building surface.

(d) *Bench Sign:* An advertising message on any portion of a bus stop or other bench.

(e) *Billboard:* An outdoor advertising sign structure which advertises goods, products or services.

(f) *Board:* Board of Directors of Pearl River Valley Water Supply District.

(g) *Building Face or Wall:* All window and wall area of a building in one plane or elevation.

(h) *Canopy Sign:* A sign mounted on and supported by a canopy, or found on the side of, below the roof line, or hanging beneath the canopy, but in all cases mounted perpendicular to the building or primary direction of pedestrian travel.

(i) *Changeable Copy Sign (Manual):* A sign on which copy is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial panels.

(j) *Changing Sign (Automatic):* A sign such as an electronically or electrically controlled message center or reader board, where different copy changes are shown on the same lamp bank. No mechanical means.

(k) *Copy:* The wording or graphics on a sign surface.

(l) *District:* Pearl River Valley Water Supply District.

(m) *Double Faced Sign:* Sign with more than one face. If the angle formed between the backs of the signs is more than 90 degrees it shall constitute one sign for determination of sign area or size.

(n) *Erected:* This term shall mean attached, altered, built, constructed, reconstructed, enlarged or moved.

(o) *Face of Sign:* The entire area of sign on which copy could be placed. The area of a sign which is visible from one direction as projected on a plane.

(p) *Flashing Sign:* Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.

(q) *Ground Level:* Average elevation of the ground within a radius of 20 feet from center point of the sign.

(r) *Ground Mounted Signs:* A sign erected on a free-standing frame, mast or pole, and not attached to any building.

(s) *Height of Sign:* The vertical distance measured from the surrounding grade to the highest point of the sign.

(t) *Illegal Sign:* A sign which contravenes this Ordinance, or a non-conforming sign for which a permit required under a previous Ordinance was not obtained.

(u) *Interior Property Line:* Property lines other than those forming a dedicated public right-of-way.

(v) *Interior Sign:* Signs inside a building. If the signs are legible from the street right-of-way, these signs shall be considered a regulated signs and subject to this Ordinance.

(w) *Logo:* Any pictorial or graphic representation that may be presented by itself or with verbiage to identify a business. Where used will be considered as a sign or part of a sign.

(x) *Lot of Record:* A lot is part of a subdivision, the map of which has been recorded in the office of the Chancery Clerk of the appropriate county.

(y) *Marquee Sign:* A wall sign mounted on a permanent roof like projection over the entry to an establishment.

(z) *Multi-tenant Sign:* Ground mounted sign with name of building or development at top and name of businesses or tenants below.

(aa) *Non-Conforming Sign:* A sign existing prior to enactment of this Ordinance which does not meet all requirements of this Ordinance. If a permit is obtained this will be a legal non-conforming sign.

(bb) *Non-Regulated Sign:* Signs not visible from a street right-of-way.

(cc) *Off Premises Sign:* A sign which advertises an activity, business, product or service not conducted on the premises on which the sign is located.

(dd) *Outdoor Advertising*: See "Billboard."

(ee) *Owner:* A person recorded as such on official records and including duly authorized agent, a purchaser, devisee, fiduciary representative; any person having a vested or contingent interest in the property in question, lessee or tenant. If the owner of the sign cannot be determined to be separate from the lessee of the land from the District, then the current lessee of record shall be the "land owner" for purposes of this Ordinance.

(ff) *Premises:* An area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

(gg) *Right-of-way (R.O.W.):* Shall be the proposed right-of-way indicated on the official District Development Standards and Guidelines of the Pearl River Valley Water Supply District.

(hh) *Roof Line:* The lowest edge of the main roof.

(ii) *Seasonal or Special Occasion Temporary Sign:* A sign which is not permanent and is limited to a specific activity or in the celebration of holidays or other special events.

(jj) *Setback:* The minimum horizontal distance between the property line and any part of the sign. On dedicated streets the setback is measured from the right-of-way line, or proposed right-of-way line for streets on the approved District Development Standards and Guidelines of the Pearl River Valley Water Supply District.

(kk) *Sign Enforcement Official:* The authority or officer designated by the General Manager charged with the administration and enforcement of the Code, or his duly authorized representative.

(ll) *Sign Review Committee (SRC):* The Shoreline Development Committee or its successor shall be the designated committee to approve matters pertaining to the Sign Ordinance aesthetics and appeals of decisions of the Sign Enforcement Official.

(mm) *Sign:* Any identification, description, illustration, mural, painting, decal or other device illuminated or non-illuminated which is visible from any public place or

right of way, which directs attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situation merchandise.

The term "Sign" shall further mean and include every device, frame, letter, figure, character, mark, point design, picture, trademark, or reading matter which is used or intended to be used to attract attention or convey information when the same is placed out of doors in view of a public place or right or way. The term "Sign" shall also include any sign that shall be painted, printed, or otherwise affixed to or placed on the wall or roof of any building, fence or other structure.

The term "Sign" shall not include decorative devices or emblems which may be displayed at residential doors, windows, or main boxes. Also not included are yard or building decorations associated with legal holidays or political campaigns, provided no business logo, name or advertising message is displayed.

(nn) *Sign Structure:* Any structure which supports, has supported or is capable of supporting a sign, including decorative cover.

(oo) *Size:* Determination of the measured area of a sign including the mounting surface where it can be determined. In the case of lettering on a wall, size shall be determined by the measured area of the letters and the space between letters.

(pp) *Street:* A public thoroughfare which affords the principal means of access to abutting property.

(qq) *Street Banner:* A temporary sign composed of light-weight material either enclosed or not enclosed in a rigid frame.

(rr) *Temporary Sign:* A sign which is allowed in addition to permanent sign for a specific period of time. Permanent and temporary do not refer to method of attachment for purpose of this Ordinance.

(ss) *Traffic Directional Sign:* Any sign which aids the flow of traffic.

(tt) *Use:* The purpose for which a building, lot, sign or other structure is arranged, intended, designed, occupied or maintained.

(uu) *Visibility Triangles:* A triangular shaped portion of land established at street intersections or driveways in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorist entering or leaving the intersection or driveway.

(vv) *Wall Sign:* A sign at the wall of a building with the face parallel to and within 12 inches of the plane or building wall.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 209 Chapter 2: Allowable Exterior Signs and Maximum Area and Height for Signs in underlying Commercial Zones:

Rule 2.1 Ground-mounted signs:

(a) No ground-mounted sign shall exceed a height of eight (8) feet above the surrounding grade (not including 6" curb) and shall not exceed an area of 40 square feet.

(b) One ground mounted sign shall be allowed per project, except where the project fronts on two or more streets.

(c) Ground mounted signs shall be limited to the name of the office complex or business and address.

(d) A set back of 20 feet from the face of curb or edge of the pavement is required for all ground mounted signs.

(e) The following restrictions shall apply to changing of changeable copy signs (manual or automatic):

(i) Permitted in commercial, industrial district, and public/quasi-public and civic locations only.

(ii) Must be counted as part of the total allowable square footage of sign.

(iii) Cannot exceed thirty-three (33) percent of total allowable sign footage and must be located in lower half of sign.

(iv) Changing and Changeable copy signs cannot stand alone.

(v) The pole or supporting mast or frames shall be concealed by masonry or other material approved by the Director of Building and Permits.

(vi) The base of all ground-mounted signs shall be fully landscaped with planters and/or shrubbery in all directions, not less than the dimensional width of the sign.

Rule 2.2 Wall Mounted Signs:

(a) A sign at the wall of a building with the face parallel to and within 12 inches of the plane of building wall.

(b) Business establishments may have a wall mounted sign not to exceed 1.5 square feet per one (1) foot of linear feet of street frontage that the business occupies with the maximum allowed not to exceed one-hundred and fifty (150) square feet.

(c) Large multi-use businesses, regardless of distance to street, such as a regional grocery store (with individual departments) may use individual department signs but the total square footage of all signage shall not exceed two hundred (200) square feet.

Part 209 Chapter 3: Signs in Underlying Residential Zones:

Rule 3.1 Allowable Subdivision Signs:

Subdivision identification sign - One subdivision identification shall be allowed at each entrance.

(a) A ground mounted sign is acceptable.

(b) A wall mounted sign which is one integral surface mounted unit is acceptable.

Rule 3.2 Size: The area of one face of the sign portion of the subdivision entrance identification shall not exceed seventy (70) square feet. In no case shall total sign area exceed seventy (70) square feet per side if double faced.

Rule 3.3 Location:

(a) Subdivision Identification Sign - shall be set back a minimum of twenty (20') feet from the face of curb or edge of the pavement of any arterial street. In some instances a setback of more than twenty (20') feet may be required by the Director of Building and Permits for safety reasons.

(b) Church, Public or Semi-public Building or Park Signs - Setback for these signs shall be a minimum of twenty (20') feet from the face of curb or edge of the pavement of any arterial street. In some instances a setback of more than twenty (20') feet may be required by the Board of Supervisors for safety reasons.

Rule 3.4 Content:

(a) Subdivision Identification and other identification signs shall indicate only the name of the subdivision or the name and address of the building or business.

(b) Signs shall be restricted to letter, numbers and a business logo.

(c) Public or semi-public building or park signs shall only display the name of the building or park, as well as, information relating to scheduled activities therein.

Part 209 Chapter 4: Illumination:

Rule 4.1 Illuminated signs shall adhere to the following provisions and restrictions in addition to those stated in the sign regulations by the Director of Buildings and Permits.

Rule 4.2 The light for or from any illuminated sign shall be so shaded, shielded, or directed that intensity will not be objectionable to surrounding areas, as determined by the Director of Building and Permits.

Rule 4.3 No sign shall have blinking, flashing, fluttering lights, or other illuminating device which has a changing light intensity, brightness or color.

Rule 4.4 No colored lights shall be used at any location in any manner so as to be confused with or construed as traffic control devices.

Rule 4.5 Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.

Rule 4.6 Exposed light bulbs shall not be used on the exterior surface of any sign.

Part 209 Chapter 5: Temporary Signs:

Rule 5.1 Rigid Signs pertaining only to the lease, sale or rental of the land or buildings upon which such Signs are displayed are permitted in accordance with the following limitations:

(a) Real Estate Signs for individual lots, buildings, or tenant space located in a residential district shall not exceed six (6) square feet of surface area, and must be displayed on the property, lots, building or tenant space offered for lease, sale or rental.

(b) Real Estate Signs located in all commercial districts shall not exceed thirty-two(32) feet of surface area and eight (8) feet in sign Height and shall be displayed on the property, lots, buildings, or tenant space offered for lease, sale or rent.

(c) Real Estate Signs shall be removed within ten (10) days after the lease, sale or rental of the property or building has been accomplished.

Rule 5.2 Signs pertaining only to the proposed development of the property on which such Signs are located, including any information regarding the architects, contractors, lenders and other development-related professions engaged in the development of sites upon which such Signs are displayed, are permitted in all zoning districts subject to the following limitations:

(a) Only one (1) Development Sign (including architects, contractors, lenders and other development-related service professions) per development site shall be allowed, except that in regard to subdivision developments, one (1) Development Sign will be allowed at each entrance to the subdivision.

(b) Development Signs for developments of five (5) acres or less shall not exceed thirty-two (32) square feet in Sign Area and eight (8) feet in Sign Height.

(c) Development Signs for developments in excess of five (5) acres, and not more than ten (10) acres, shall not exceed sixty-four (64) feet in Sign Area and eight (8) feet in Sign Height.

(d) Development Signs for developments in excess of ten (10) acres shall not exceed one hundred (100) square feet of sign area, and eight (8) feet in Sign Height.

(e) No Development Sign shall be erected on the lot before construction starts or remain on the lot for more than ten (10) days after completion of the development.

Rule 5.3 A canvas sign, banners, advertising flags, pennants, streamers, garlands and similar devices are permitted only for the first thirty (30) days after the initial opening of a new business, after new occupancy or after a change of the proprietor.

Rule 5.4 Canvas signs, banners, advertising flags, pennants, streamers, garland and similar devices may also be allowed for a maximum of thirty (30) days prior to non-profit events as long as the primary reason for the banner is to advertise the non-profit event.

Rule 5.5 Canvas banners may be placed at specific locations provided by PRV. Such advertising banners may be in place for a 30 day period only. Permit is required.

Rule 5.6 Signs pertaining to candidates for public office, measures or issues on primary, general or special election ballots are permitted in all zoning districts subject to the following limitations:

(a) In single family residential districts on lots smaller than or equal to one (1) acre, one (1) Sign per street frontage for each candidate or measure not exceeding eight (8) square feet in area and six (6) feet in Sign Height.

(b) In single family residential districts on lots larger than one (1) acre and in all other zoning districts, one (1) Sign per street frontage per lot or Parcel for each candidate or measure not exceeding eight (8) square feet in area or six (6) feet in Sign Height.

(c) Signs shall not be displayed earlier than forty-five (45) days prior to an election and shall be removed within five (5) days, following said election. Signs for successful primary election candidates, eligible for the general election, may remain after the primary election but shall be removed within five (5) days after the general election.

(d) Signs shall not be placed in any portion of the public right-of-way located between a street or sidewalk or on any public properties.

(e) The person, party or parties responsible for the distribution and display of such Signs shall be individually and jointly responsible for their removal.

(f) Signs painted, printed, or otherwise affixed or placed on boats or other floating device in waters of District are prohibited.

(g) Exceptions: The provisions of this Regulation shall not apply to the following, and are therefore accepted:

(i) Flags or insignia of The United States, county, or city.

(ii) Temporary decorations or displays celebrating the occasion of traditionally accepted patriotic, religious or local holidays or events;

(iii) Temporary Signs for events of a general county wide civic or public benefit;

(iv) Garage Sale, Yard Sale, and Similar Signs: Garage sale, yard sale, and like signs shall not be erected on public property right-of-ways but may be erected on private property only with the permission of the property owner. Signs shall be promptly removed immediately after the event to which it refers.

Part 209 Chapter 6: Prohibited Signs:

Rule 6.1 Animated signs: Any sign, which includes action or motion.

Rule 6.2 Billboard: An outdoor advertising sign structure which advertises goods, products or services.

Rule 6.3 Canopy Sign: A sign hanging beneath the canopy.

Rule 6.4 Roof Top Mounted Sign

Rule 6.5 Flashing Sign: Any sign which contains an intermittent or flashing light by means of animation, or an externally mounted intermittent light source.

Rule 6.6 Marquee Sign: A wall sign mounted on a permanent roof-like projection over the entry to an establishment.

Rule 6.7 Signs painted, printed, or otherwise affixed or placed on boats or other floating devices in waters of District.

Rule 6.8 Trailer Signs: Trailer signs, temporary or portable, with or without wheels, are prohibited within the District. Any existing trailer sign located within the District limits is a nonconforming sign and subject to provisions for nonconforming uses.

Rule 6.9 No sign or advertising device shall be erected on, be placed on, projected, or overhang any public right-of-way, walkway, street, alley or easement.

Rule 6.10 The tacking, painting, posting, or affixing of signs, posters, or advertising devices of any kind on trees, fences, rocks, utility poles, and other such structures.

Part 209 Chapter 7: Signs Not Requiring a Permit:

Rule 7.1 The following signs shall not require a permit, but shall be subject to the requirements of this Regulation:

(a) Governmental Signs: Any sign, including banners as defined by this Regulation, erected by any federal, state, county or city agency, or under authorization or required by any governmental agency, shall not require a permit. Such signs include, but are not limited to traffic regulatory signs, historic markers, identification signs on buildings or other facilities, holiday decorations, "Yard of the Month" signs, and similar signs.

(b) Sporting events scoreboards advertising and other advertising approved by the sporting event sponsor.

(c) Utility company standard markers or warning signs denoting utilities.

(d) Traffic Directional/Parking Signs and Delivery Signs: Signs providing traffic directions, parking directions, and delivery signs shall not require a permit. Such signs may either be wall-mounted or ground-mounted and they may be indirectly illuminated, but they shall not exceed four (4) square feet in area and not exceed three (3) feet in height. These signs may be erected in addition to other signs permitted by these regulations and not included in calculating the maximum allowable aggregate sign area. Each lot cannot exceed three (3) incidental signs and cannot exceed an aggregate twelve (12) square feet.

(e) “Private Parking” Signs: Signs warning the public that a parking lot or parking garage is intended for use only by employees or other persons associated with a business or organization shall not require a permit. Such signs may either be wall-mounted or ground-mounted and they may be directly or indirectly illuminated, but they shall not exceed four (4) square feet in area. These signs may be erected in addition to other signs permitted by regulations and not included in calculating the maximum allowable aggregate sign area. Each lot cannot exceed three (3) incidental sign and cannot exceed twelve (12) square feet.

(f) Flags or emblems of the United States, the State of Mississippi or Their political subdivisions: Flags shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is more than forty (40) feet in height. These flags must be flown in accordance with protocol established by the congress of the United States for the Stars and Stripes. Any flag not meeting one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such.

(g) Decals, names, address, hours of operation, credit information, etc. attached to doors or windows: These signs must comply with the maximum 20% aggregate area allowable for window signs.

(h) Corporate flags: corporate flags shall not require permits, but shall be subject to approval by the Director of Buildings and Permits.

Part 209 Chapter 8: Permits and Fees.

Rule 8.1 *Permits*.

(a) All permanent signs regulated under this Ordinance shall require a permit. All signs permitted under this Ordinance shall be subject to the approval of the Sign Review Committee, except for certain temporary signs in single family districts.

(b) All temporary signs requiring a permit may be approved and granted by the Sign Enforcement Official for a period of time as specified by the applicable section of this Ordinance. Any request for extensions over the specified allowed time must be approved by the Sign Review Committee. All temporary signs shall be limited to a maximum period of six (6) months.

(c) Permits for all existing regulated signs must be obtained within one year of the effective date of this Ordinance or must be removed within one year if no permit is obtained. See Part 209 Chapter 6 for regulation concerning Non-Conforming Signs.

(d) No sign shall be erected, altered, or relocated without a permit, except as otherwise provided herein. Electrical permits as required shall be obtained at the same time as the sign permit.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 8.2 *Applications.* Applications shall be filed with the District on forms provided by the District. The permit application shall contain the location of the sign structure, sign type requested, the name and address of the sign owner and of the sign erector, drawings showing the design, location, materials, finishes of the sign and such other pertinent information as the Sign Review Committee may require to insure compliance with the Ordinances and requirements of the District. The District will maintain a record of all applications and permits. A separate application form shall be submitted for each sign to be erected.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 8.3 *Fee Establishment*.

(a) Fees for sign permits shall be as fixed by the Board.

(b) Fees:

(i) Permanent signs –

(1) Each owner shall pay only one permit fee per property, but shall submit separate applications for each sign to be erected.

(2) Commercial retail centers (shopping center, malls, offices, complexes, etc.) shall be required to submit a fee and applications

for the overall development and for each tenant within the property who desires to erect a sign.

(3) An application fee is hereby established to be $20.00, which fee shall cover the submission of applications for a period of one year from the date of the payment.

(ii) Temporary signs - No fee required.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 8.4 *Nullification.* A sign permit shall become null and void if (1) the work for which the permit was issued has not been completed within a period of six (6) months after the date of the permit; (2) the sign varies in any respect from the approved design or location. A new application with fee is required in the event of any nullification.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 8.5 *Permit Exception*.

(a) Federal, State, County or City regulatory signs. Traffic control signs placed in conformance with manual uniform traffic control devices (MUTCP).

(b) Utility company standard markers, or warning signs denoting utilities will not require a permit.

(c) The following operations shall not be considered creating a sign and, therefore, shall not require a sign permit:

(i) Maintenance: repainting, cleaning and other normal maintenance to prolong the life of the sign as originally approved.

(d) Decals, numerals, names, addresses, hours, credit information, etc., attached to doors or windows and all of which occupy a total area of one (1) square foot or less are excluded form this Ordinance.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 209 Chapter 9: Requirements for Permanent Signs.

Rule 9.1 *General.*

(a) Permissible Signs: Only permanently located signs as described herein and as may be described under Temporary Signs will be permitted in the District, except for public signs, County, State and Federal regulatory signs.

(b) Existing Signs: Permanent signs which were lawful before the effective date of this Ordinance but which now would not be permitted under the terms of this Ordinance must conform to Part 7 Chapter 6.

(c) Construction: All signs shall conform with the pertinent requirements of the current Standard Building Code and current National Electrical Code.

(d) General Provisions: There shall be provided a minimum unobstructed view across the visibility triangle formed by joining points measured 30 feet distant along the property line from the intersection of two streets or the intersection of the street and commercial drive and a minimum of 20 feet for subdivision and multifamily signs. A greater setback may be required when necessary to achieve proper sight distance. Within the area of the visibility triangle there shall be no sight-obscuring or partly obscuring wall, fence, sign or foliage higher than 30 inches above curb grade or in case of trees, foliage lower than 6 feet. Vertical measurement shall be made at the top of the curb on the street or alley adjacent to the nearest street of the triangle or if no curb exists, from the edge of the nearest traveled way.

(e) Landscaping: The base of all ground signs shall be fully landscaped with plants and/or shrubbery in all directions not less than the dimensional width of the sign.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 9.2 Single Family Residential and Applicable PUD Areas.

(a) General: This section of the Ordinance shall apply to Single Family Residential and PUD areas.

(b) Allowable Signs:

(i) Subdivision Identification Sign - Two subdivision identification signs shall be allowed at each major entrance.

(ii) Temporary Signs - See Part 209 Chapter 4.

(iii) Church, Public or Semi-Public Building and Public Park identification signs.

(c) Size:

(i) Subdivision Identification Sign - The area of one face of the sign portion of the subdivision entrance identification shall not exceed twenty-five (25) square feet. In no case shall total sign area exceed fifty (50) square feet regardless of the number of faces.

(ii) Temporary Signs – See Part 209 Chapter 4.

(iii) Church, Public or Semi-Public Building or Park Signs –

(1) On-premises signs - at the location of said facility, shall be as permitted under Subdivision Identification Signs above.

(2) Off-premises signs - shall not exceed four (4) square feet per face of sign, with two (2) faces back to back maximum.

(d) Location:

(i) Subdivision Identification Sign - shall be set back a minimum of twenty (20) feet from the face of the curb or edge of the pavement of any arterial street. See Part 209 Rule 3.1 for sight distance regulation and landscaping.

(ii) Temporary Signs – See Part 209 Chapter 4.

(iii) Church, Public or Semi-Public Building or Park Signs - See Part 209 Rule 3.1 for sight distance regulation and landscaping.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 9.3 Multi-Family Residential and Applicable PUD Areas.

(a) General: This section of the Ordinance shall apply developments designated as Multi-Family Residential or applicable PUD areas.

(b) Allowable Signs:

(i) A wall sign face mounted on building wall provided said wall contains the main entrance and store front of the business or occupant and faces a public street. The following wall signs may also be allowed.

(1) Sign on other wall of occupant in lieu of or in combination with sign on wall containing a main exterior entrance.

(2) More than one sign when there is more than one entrance.

(ii) Ground Mounted Identification Sign - One ground mounted sign shall be allowed per project, except where the project fronts on two or more major or collector streets. A ground mounted sign shall be allowed for each street frontage provided the project has a traffic entrance on the frontage. Each sign shall be landscaped with shrubs, ground cover or seasonal plants.

(iii) Traffic Directional Signs.

(iv) Temporary Signs.

(v) Changeable Copy Signs - as approved by the Sign Review Commission for schools and churches only. Changeable copy must be enclosed and secured against vandalism.

(c) Size:

(i) Wall Sign - same as Ground Mounted Identification Sign.

(ii) Ground Mounted Identification Sign - in lieu of or in combination with Wall Signs - The sign area of one face shall not exceed twenty-five (25) square feet. In no case shall the total sign area exceed fifty (50) square feet regardless of the number of faces.

(iii) Traffic Directional Signs - shall not exceed a maximum total area of one hundred twenty-eight (128) square inches per face (8" by 16") with a maximum of one faces per sign, not to exceed a total of two hundred fifty-six (256) square inches. Such signs shall not exceed thirty-one (31) inches above the existing grade.

(d) Location:

(i) Ground Mounted Identification Signs - See Part 209 Rule 3.1 for sight distance regulations and landscaping.

(ii) Traffic Directional Signs - may be located anywhere on the property.

(e) Height of Signs: Height of signs shall be a maximum of eight (8) feet as measured from surrounding grade.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 9.4 Commercial Developments.

(a) General: This section of the Ordinance shall apply to Commercial Developments.

(b) Allowable Signs:

(i) A wall sign for each business face mounted on building wall provided said wall contains the main entrance and store front of the business or occupant and faces a public street. The following wall signs may also be allowed.

(1) Sign on other wall of occupant of or in combination with sign on wall containing a main exterior entrance.

(2) More than one sign when there is more than one entrance.

(3) Signs to designate different specialty departments within a large multi-use business, provided total square footage of signage does not exceed maximum allowed.

(ii) Ground Mounted Signs - In no case shall more than one ground mounted sign be allowed per street frontage.

(1) For building, tenant or project identification in lieu of or in combination with wall signs - one sign is allowed for each street frontage.

(2) Multi-tenant sign for building or development and tenant identification for office buildings, office parks and professional complexes only. In lieu of or in combination with wall signs - One ground mounted sign is allowed for each street frontage.

(iii) Traffic/Intra-site Directional Signs - Two (2) are allowed at each vehicular entrance to property.

(iv) Changing Signs (Automatic) - automated changing signs which provide community event information, time and temperature, in addition to advertisement. Sign may not change more than once every 60 seconds and change must be completed in one (1) second.

(v) Changeable Copy Signs for Schools and Churches.

(vi) Regulator Information Signs - such as gasoline pump use directions, Federal and State stamps, octane ratings, and no smoking signs as required by Federal, State, County and City authorities.

(vii) Temporary Signs.

(viii) Canopy Signs.

(c) Size:

(i) Wall Signs -

(1) Business establishments whose building is located less than 200' from the street on which it fronts may have a wall sign not to exceed 1.5 square feet per one (1) foot of linear feet of street frontage with the maximum allowed not to exceed fifty (50) square feet.

(2) Business establishments whose building is located more than two hundred feet (200') from the street on which it fronts may have one wall sign not to exceed 2.5 square feet per one foot of linear feet of street frontage with the maximum allowed not to exceed one hundred (100) square feet. Large multi-use businesses such as a regional grocery store (with individual departments) may use individual department signs but the total square footage of all signage shall not exceed two hundred (200) square feet.

(ii) Ground Mounted Signs - in lieu of or in combination with Wall Signs - shall conform to Part 209 Rule 3.4 (c) (i) above. Ground mounted signs shall not

exceed forty (40) square feet per face and total sign area shall not exceed eighty (80) square feet total of all faces.

(iii) Changeable Copy - If the occupant elects to use changeable copy, only one of the signs, wall or ground sign, may have changeable copy. No more than 30% of the allowable square footage of the ground or wall sign shall be changeable copy.

(iv) Traffic Directional Signs - shall not exceed a maximum total area of one hundred twenty-eight (128) square inches per face (8" by 16") with a maximum of two (2) faces per sign, not to exceed a total of two hundred fifty-six (256) square inches for signs denoting "enter" or "exit." Signs denoting intra-site directions should not exceed a single face side of twenty-six inches by fifteen inches (26" by 15"), with two (2) faces (back to back) allowable. Intra-site directional signs shall have letters, numbers, or graphics no larger than two inches (2") in height, and no more than forty percent (40%) of the face may be blank. Lettering for "enter" or "exit" signs shall not exceed three and one-half inches (3 1/2") in height. Such signs shall not exceed thirty-One inches (31") above existing grade.

(v) Canopy Signs - in lieu of or in combination with wall signs and ground mounted signs shall conform to the restrictions set forth in Part 209 Rule 3.4 (c) (i) and (ii).

(vi) Multi-tenant sign - overall sign size is to follow same wording as rules governing grounded mounted signs. Individual tenant signs shall be as follows:

(1) All lettering shall be uniform for all tenants' names with a letter height of three (3) inches. Lettering of the tenant's names shall be in capital letters only.

(2) Color of background and letters shall be uniform on entire sign with dark background and light letters. If more than one sign is used, as in the case of a corner with two (2) frontages, both signs shall be uniform in colors.

(3) Individual tenant signs shall be mounted to the main sign. In no case shall individual tenant signs be allowed to hang from the main sign. Individual tenant signs must be identical in size, shape, material and color. The size of tenant signs shall be no taller than nine (9) inches and shall be the width of the main sign background.

(d) <u>Location</u>:

(i) Wall Signs - All signs shall be face mounted on the building wall. Wall Mounted Signs shall not project more than twelve (12) inches from the face of the building. Signs shall not project above the roof line unless incorporated in the roof design and only if approved by the Sign Review Committee.

(ii) Ground Mounted Identification Signs - See Part 209 Rule 3.1 for setback and sight distance regulations and landscaping.

(iii) Height of Ground Mounted Identification Sign - shall be a maximum of eight (8) feet as measured from surrounding grade.

(iv) Traffic/Intra-site Directional Signs - shall be located a minimum of One foot from the right-of-way (existing and/or proposed, whichever is greater) of any street. Such signs shall not exceed thirty-One inches (31") above existing grade. Intra-site directional information (words other than "enter" or "exit") shall be allowed only to owners with One business or single use per property.

(v) Canopy Signs - bottom of sign shall have a minimum of seven (7) feet clearance from finish grade directly below.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 9.5 *Service Stations*.

(a) General: A section of the Ordinance shall apply to only those properties engaged in the retail gasoline and petroleum products business.

(b) Allowable Signs:

(i) One ground mounted illuminated brand identification and price sign per street frontage.

(ii) One wall mounted sign.

(iii) One non-illuminated permanent price sign per pump island.

(iv) One non-illuminated Self-Service or Full Service signs per pump island.

(v) Federal and State stamps, octane ratings, pump use directions, no smoking signs as required by Federal, State and local authorities.

(vi) Project, tenant or product identification will not be allowed on traffic directional signs, unless the Sign Review Committee agrees such identification is essential to directing traffic.

(c) Size:

(i) Brand Identification Signs:

(1) Wall Signs - a maximum total sign area of forty (40) square feet, or one-half (1/2) square foot for each lineal foot of building frontage on a public street, whichever results in the smaller sign area with a minimum of twenty (20) square feet.

(2) Ground Mounted Sign - where one (1) ground mounted sign is allowed the allowable square footage would be forty (40) square feet per face for a total of eighty (80) square feet.

(ii) Price Signs - a maximum total sign area of sixteen (16) square feet and no more than eight (8) square feet per face.

(iii) Self-Service Signs and/or Full Service Signs - a maximum total area per sign of one hundred sixty (160) square inches.

(iv) Federal and State stamps, octane ratings, pump use directions, no smoking signs and other mandatory signs and stamps shall be as required by the governing authority.

(d) Location:

(i) Brand Identification Signs.

(1) Wall Signs - all signs shall be faced mounted on the building wall unless approved otherwise by the Sign Review Committee. Wall signs shall not project more than twelve (12) inches from the face of the building. Signs shall not project above the roof line or be mounted on any part of the roof.

(2) Ground Mounted Signs - See Part 209 Rule 3.1 for setback and sight distance regulations and landscaping.

(3) Height of Signs - shall be a maximum of eight (8) feet as measured from surrounding grade.

(ii) Price Signs - price signs shall be attached to pump island.

(iii) Self-Service Signs - Self-service signs shall be attached to pump or pump island.

(iv) All No Smoking Signs, Federal and State stamps, octane rating, and pump use directions shall be placed on the body of the gasoline pump.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 209 Chapter 10: Temporary Signs.

Rule 10.1 Residential Districts and Applicable PUD Areas.

(a) General: : This section shall apply to Single Family Residential and applicable PUD areas and District property.

(b) Allowable Temporary Signs:

(i) Temporary Signs Requiring Permit:

(1) Construction signs except as allowed under subsection (b) (ii) of this section.

(2) Real estate signs except as allowed under subsection (b) (ii) of this section. One sign per street frontage.

(3) Off Premises Real Estate Signs

(a) New real estate developments with three or more lots for sale on District property shall be allowed one (1) sign at the entrance to the subdivision to advertise lots for sale for a period of two (2) years.

(b) Real estate developments with three or more lots for sale not on District property, but with reservoir access through District property, must obtain written permission from the District in order to place a sign on District property, within their easement only.

(4) Signs Announcing Openings - one sign per street frontage.

(5) Subdivision Identification Signs - one sign per street frontage.

(6) Street banners as approved by the Board for the purpose of advertising a public event.

(ii) Temporary signs not requiring approval or permit, but subject to the requirements of this section.

(1) Construction signs for single-family and two-family residences.

(2) Real estate sign for sale or lease of a single-family, two-family residence or individual lot.

(3) Private sale signs provided they are erected no earlier than one (1) day prior to the sale.

(4) Yard of the Month sign.

(5) Miscellaneous yard signs.

(c) Size:

(i) Construction Signs - the sign area of one face shall not exceed nine (9) square feet for a residence or twenty-five (25) square feet for a multi-family project of five (5) units or more. In no case shall the total sign area exceed eighteen (18) square feet for a residence or fifty (50) square feet for a multi-family project of five (5) units or more.

(ii) Real Estate Signs

(1) Single-family, Two-family or Multi-family Developed Lots - the sign area of one face shall not exceed nine (9) square feet. In no case shall the total sign area exceed eighteen (18) square feet.

(2) Undeveloped Tracts of Three (3) acres or More - the sign are of one face shall not exceed fifty (50) square feet.

(3) Off premises real estate signs shall not exceed twenty (20) square feet nor be more than five (5) feet high.

(iii) Signs Announcing Openings - the sign area of one face shall not exceed twenty-five (25) square feet. In no case shall the total sign area exceed fifty (50) square feet.

(iv) Subdivision Identification Signs - the sign area of one face shall not exceed twenty-five (25) square feet. In no case shall the total sign area exceed fifty (50) square feet.

(v) Private Sales Signs - the sign area of one face shall not exceed four (4) square feet. In no case shall the total sign area exceed eight (8) square feet.

(vi) Yard of the Month Signs - the sign area of one face shall not exceed four (4) square feet. In no case shall the total sign area exceed eight (8) square feet.

(vii) Miscellaneous Yard Signs - the sign area of one face shall not exceed four (4) square feet. In no case shall the total sign area exceed eight (8) square feet.

(d) Location: See Part 209 Rule 3.1 for setback and sight distance regulations and landscaping.

(i) Construction signs for a single-family or two-family residence may be located anywhere on the property. Height of sign shall be a maximum of four (4) feet as measured from surrounding grade. Construction signs for multi-family projects of five (5) units or more shall be set back a minimum of twenty (20) feet from the property line. Height of sign shall be maximum of eight (8) feet as measured from surrounding grade.

(ii) Real estate signs may be located anywhere on the property. Height of sign shall be a maximum of four (4) feet as measured from surrounding grade.

(iii) Signs announcing openings shall be set back a minimum of twenty (20) feet from face of curb or edge of pavement of any street. Height of sign shall be a maximum of eight (8) feet above the surrounding grade. A sign shall be allowed on each street frontage.

(iv) Subdivision identification signs shall be located a minimum of twenty (20) feet from the face of curb or edge of pavement of any street. Height of sign shall be a maximum of eight (8) feet as measured from surrounding grade.

(v) Political signs shall be located on occupied lots only. Signs may be located anywhere on the property. Height of sign shall be a maximum of four (4) feet as measured from surrounding ground level and contain no more than six (6) square feet of area combined from all sides.

(1) Political signs may be displayed on District property within legal limits of polling places, as regulated by state law on the day of elections but must be moved within twenty-four (24) hours after polls close.

(2) No political signs containing more than six (6) square feet on all sides will be allowed on boats or any other floating device on the waters of the Ross Barnett Reservoir.

(3) No political signs containing more than six (6) square feet on all sides will be allowed on any vehicle while parked on District property other than occupied residential lots.

(vi) Private sale signs shall be located on occupied lots only and one (1) additional sign may be located at the entrance of the street or subdivision of the subject sale. Signs may be located anywhere on the property. Height of sign shall be a maximum of four (4) feet from surrounding grade.

(vii) Yard of the Month signs may be located anywhere on the property. Height of sign shall be a maximum of four (4) feet as measured from surrounding grade.

(viii) Miscellaneous yard signs shall be located on occupied lots only. Signs may be located anywhere on the property. Height of sign shall be a maximum of four (4) feet as measured from surrounding grade.

(e) Removal of Temporary Signs:

(i) Construction signs shall be removed upon expiration of the sign permit.

(ii) Real Estate signs shall be removed within seven (7) days after the closing of the complete sale, rental or lease of the premises.

(iii) Signs announcing openings shall be limited to a thirty (30) day period.

(iv) Subdivision identification signs shall be removed upon expiration of sign permit.

(v) Political signs shall be removed within one (1) day after the day of election. Any political signs on public property not removed within the 24 hour period will be removed by the District.

(vi) Private sale signs shall be removed within one (1) day after the sale. Any private sale signs on public property not removed within the 24 hour period will be removed by the District and a fee for each sign which will be set by the PRVWSD Board to be paid by the resident or leaseholder at the address of the private sale.

(vii) Yard of the Month sign shall be removed at the expiration of award period.

(viii) Miscellaneous yard signs - are not regulated.

(ix) Temporary signs erected without approval as allowed by Part 209 Rule 4.1 (b) (ii) are subject to removal if the Sign Review Committee finds the signs to be detrimental to the appearance or character of the area in which they are erected.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 10.2 Commercial and Applicable PUD Areas.

(a) General: This section of the Ordinance shall apply to all non-residential districts.

(b) Allowable Temporary Signs:

(i) Temporary Signs Requiring Permit:

(1) One construction sign per project.

(2) One real estate sign per street frontage or two signs side by side not exceeding the total allowable area.

(3) Street banners.

(4) One sign announcing openings per street frontage.

(ii) Temporary Signs Not Requiring Permit, but subject to requirements of this section.

(1) Show window signs in Commercial Areas.

(2) Seasonal or special occasion signs such as special holiday events and special business hours during holiday periods.

(c) Size:

(i) Construction Signs – *(1)* for Premises consisting of less than five acres, the total of all faces of the sign shall not exceed fifty (50) square feet; *(2*) for Premises consisting of more than five acres, construction signs shall not exceed a total square footage per face of ten (10) square feet per acre included in the Premises with a total sign area of all faces not to exceed one hundred fifty (150) square feet.

(ii) Real Estate Signs - the sign area of one face shall not exceed twenty (20) square feet. In no case shall the total sign area exceed forty (40) square feet.

(iii) Street banners as approved by the Sign Review Committee.

(iv) Signs Announcing Openings - the area of one face shall not exceed twenty (20) square feet and the total sign shall not exceed forty (40) square feet.

(v) Show window signs shall not occupy more than fifteen percent (15%) of window opening.

(vi) Seasonal or Special Occasion Signs - the sign area of one face shall not exceed eight (8) square feet, and the total sign area shall not exceed sixteen (16) square feet.

(d) Location:

(i) Construction signs shall be orientated parallel to the public street. They shall be located a minimum of twenty (20) feet from the property line. Height of sign shall be a maximum of eight (8) feet as measured from surrounding grade. Sign shall not be located within fifty (50) feet of an intersection.

(ii) Real estate signs shall be located a minimum of twenty (20) feet from the property line; except at street intersection, signs shall be located a minimum of fifty (50) feet from the intersection of the right-of-way lines. Height of sign shall be a maximum of six (6) feet as measured from the surrounding grade.

(iii) Street banner location as approved by the Board.

(iv) Signs announcing openings shall be located a minimum of twenty (20) feet front he face of curb or edge of pavement of any street; except that at street intersections signs shall be located a minimum of fifty (50) feet from the intersection of the right-of-way lines. Height of sign shall be a maximum of six (6) feet as measured from surrounding grade.

(v) Show Window Signs - show window signs must be located inside the window.

(vi) Seasonal or Special Occasion signs shall be located a minimum of twenty (20) feet from the face of the curb or edge of pavement of any street, except that at street intersections, signs shall be located a minimum of fifty (50) feet from the intersection of the right-of-way lines. Height of sign shall be a maximum of six (6) feet as measured from the surrounding grade.

(e) Removal:

(i) Construction signs shall be removed with One (1) week after substantial completion of the project or installation of any permanent sign, whichever is earlier; however, no construction sign shall remain for a period in excess of twelve consecutive months unless extension is granted by the Sign Review Committee. In order to grant an extension of time, the Sign Review Committee must determine that the sign is not detrimental to the appearance or character of the area in which erected.

(ii) Real estate signs shall be removed within seven (7) days after the closing of the complete sale, rental or lease of the premises.

(iii) Street banners advertising a public event shall be removed within Two (2) days after event.

(iv) Signs announcing openings shall be limited to a thirty (30) day period.

(v) All other temporary signs shall be removed upon expiration of permit.

(vi) Seasonal or special occasion signs shall not be installed more than two (2) weeks prior to the activity described and shall be removed two (2) days after the activity or event.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 209 Chapter 11: Non-Conforming Property Use Signs.

Rule 11.1 *Non-Conforming Property Use Signs.* Where a legally allowed non-conforming structure, lot, or use exists, new signs shall conform to the district in which the property is located.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 209 Chapter 12: Non-Conforming Signs.

Rule 12.1 *Intent.* Signs which were legally in existence prior to the adoption of this ordinance which do not conform to the provisions of this ordinance are declared non-

conforming signs. It is the intent of this section to recognize that the eventual elimination, as expeditiously and fairly as possible, of non-conforming signs is as much a subject of health, safety and welfare as is the prohibition of new signs that would violate the provisions of this ordinance.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 12.2 *Variance From Non-Conforming*. Signs which are legally in existence on the date of adoption of this ordinance which are within ten percent (10%) of being in compliance with the set-back, maximum height and maximum sign area allowances of this ordinance shall be deemed to be in compliance with this ordinance and not non-conforming. However, if any one requirement is greater than the allowances by more than ten percent (10%), the entire sign must be brought into compliance pursuant to the remainder of this Section.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 12.3 *General Non-Conforming Sign Provisions*. Subject to the exceptions and amortization schedule hereinafter set forth any non-conforming signs may be continued in operation and maintenance after the effective date of this ordinance, provided that non-conforming signs shall not be:

(a) Changed to or replaced with another non-conforming sign including changing the sign face (except on changeable copy signs which comply with this regulation.)

(b) Structurally altered so as to extend their useful life.

(c) Expanded.

(d) Relocated.

(e) Re-established after damage of more than fifty percent (50%) of the value at the time of such damage or destruction.

(f) Modified in any way that would increase the degree of non-conformity of such sign.

Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a sign or structure declared unsafe by the Building Inspector. Such signs may be improved only to the extent that such improvement does not exceed fifty percent (50%) of the current market value of the existing sign structure.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 12.4 *Termination of Non-Conforming Signs/Amortization Schedule*.

(a) Any non-conforming sign or sign structure which is partially destroyed by fire, accident, or natural cause beyond fifty percent (50%) of its current market value shall thereafter be removed or reconstructed in conformance to the provisions of this ordinance.

(b) Any non-conforming sign or sign structure which is improved and altered to comply with the provisions of this ordinance shall thereafter be considered as conforming.

(c) All other non-conforming signs or aggregate sign conditions, other than outdoor advertising signs, shall be removed, changed, altered or otherwise made to conform according to the following schedule:

(i) All Signs

Original Construction Cost	Amortization Period
0-$750	1 year
$751-$2,750	2 years
$2,751 to $5,000	3 years
$5,001 to $7,000	4 years
Greater than $7,000	5 years

(ii) The amortization shall begin as of the initial effective date of this ordinance.

(iii) For the purposes of this Section, existing signs and sign structures prohibited by this ordinance shall be treated as non-conforming.

(iv) The owner or operator of the sign must furnish acceptable proof of the sign's original cost in the form of:

(1) Original value from sign permit, if available.

(2) An original bill of sale, including installation costs, and fees.

(3) Depreciation schedules from federal or state tax returns showing original cost.

(v) Upon the determination of the District that a sign remains non-conforming after termination of the allowable time periods provided for hereinabove, the District shall notify the sign owner and/or the owner of the land on which the non-conforming sign is located and such owner shall have thirty (30) days after such written notice within which to remove said sign. At the end of the thirty (30) day period, if the sign has not been removed or brought into compliance, the sign owner and/or the owner

of the land on which the non-conforming sign is located will be guilty of violating the provisions of this ordinance as set forth in Part 209 Chapter 10.

(vi) Abandonment or obsolescence of a non-conforming sign shall terminate immediately the right to maintain such a sign.

(vii) Any non-conforming on-premise sign shall be removed or brought into compliance with this ordinance immediately upon a change in the principal use or ownership of the site.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 209 Chapter 13: Prohibited Signs.

Rule 13.1 *General*. The following types of signs are prohibited under this Ordinance:

(a) Signs which contain or are an imitation of an official traffic sign or signal or contain the words "stop," "go slow," "caution," "danger," "warning" or similar words.

(b) Signs which are of a size, location, movement, content, coloring, manner or illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal.

(c) Signs which have any moving parts.

(d) Signs which contain or consist of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other related items are similarly prohibited, except when allowed by special permit by the Sign Review Committee.

(e) Interior lighted translucent signs with translucent background and opaque letters.

(f) Signs which contain reflective type bulbs, pulsating light or strobe light.

(g) Signs which are made structurally sound by guide wires or bracing.

(h) Signs which are not expressly permitted by this Ordinance.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 209 Chapter 14: Illumination.

Rule 14.1 *General*. Illuminated signs shall adhere to the following provisions and restrictions in addition to those stated in eh sign requirements by zone.

(a) The light for or from any illuminated sign shall be so shaded, shielded or directed that the light intensity will not be objectionable to surrounding areas.

(b) No sign shall have blinking, flashing or fluttering lights or other illuminating devices which have a changing light intensity, brightness or color. Beacon lights are not permitted.

(c) No colored lights shall be used at any location in any manner so as to be confused with or construed as traffic control devices.

(d) Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.

(e) Exposed bulbs shall not be used on the exterior surface of any signs, except when approved by the Sign Review Committee.

(f) Interior lighted individual translucent letters, numerals, logos, and graphic symbols, or interior lighted signs with translucent letter, logos and graphic symbols, are allowed for the uses listed below provided that the specific location of the light source within the sign cannot be seen or determined when the lights are in operation. Additionally, when interior lighted signs are utilized, the background shall be opaque. Attachment of illuminated letters or signs to the building facade shall be approved by the Sign Review Committee.

(i) Ground mounted signs in commercial and industrial zoned areas for the purpose of building or business identification and logos only.

(ii) Wall signs for the purpose of building or business identification and logos only.

(g) Electrical requirements for all signs shall conform to the pertinent requirements of the current National Electrical Code.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 209 Chapter 15: Inspection, Removal and Safety.

Rule 15.1 *Inspection*. All signs shall be inspected at least annually by the Sign Enforcement Official or his delegate compliance with this Ordinance.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 15.2 *Permit Number Display*. All signs requiring a permit shall display, in the lower right hand corner, the sign permit number and expiration date (where applicable) in lettering and numerals three/fourths inches (3/4") in height.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 15.3 *Maintenance*. All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 15.4 *Removal of Sign*. The Sign Enforcement Official shall give written notice for the removal of any permanent sign erected or maintained in violation of this Ordinance. Upon failure to comply with this notice within thirty (30) days, the Sign Enforcement Official shall remove the sign. Temporary signs erected or maintained in violation of the Ordinance may be removed by the Sign Enforcement Official without notice. The Sign Enforcement Official shall remove any sign immediately and without notice if the sign presents an immediate threat to the safety of the public. Any cost of sign removal shall be at the expense of the property owner. See Part 209 Chapter 4 for additional removal requirements for temporary signs.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 15.5 *Abandoned Signs*. A sign shall be removed by the owner when the business which it advertises is no longer conducted on the premises. If the owner fails to remove the sign, the Sign Enforcement Official shall give the owner thirty (30) days written notice to remove it. Upon failure to comply with this notice, the Sign Enforcement Official shall have the sign removed at the expense of the property owner.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 209 Chapter 16: Administration and Penalties.

Rule 16.1 *Enforcement*. The Sign Enforcement Official is hereby authorized and directed to enforce all of the provisions of this Ordinance. Upon presentation of proper credentials, the Sign Enforcement Official or his duly authorized representative may enter at reasonable times any building, structure, or premises on the District property to perform any duty imposed upon him by this Ordinance. The Sign Review Committee shall be appointed by the Board.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 16.2 *Variances*. A variance may be granted by Sign Review Committee for location of signs only.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 16.3 *Appeal from Decision of the Sign Enforcement Official*. The decision of the Sign Enforcement Official may be appealed to the Sign Review Committee. Decisions of the Sign Review Committee may be appealed to the General Manager. All appeals shall be submitted in writing to the Sign Enforcement Official within thirty (30) days of the decision. The Appellant shall sight the specific Sign Ordinance rule applicable to the decision rendered and the grounds for the appeal of the decision. The Sign Review Committee must render a written decision on appeal within thirty (30) days of receipt of the appeal by the Sign Enforcement Official, and the matter will then be forwarded to the General Manager for a decision. The General Manager will render a written decision within sixty (60) days of receipt of the appeal from the Sign

Enforcement Official unless there is a mutual agreement for a time of extension. The appeal of the decision of the General Manager shall be as provided by law.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 16.4 *Penalties.* Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than Fifty Dollars ($50.00). Each day's continuance of a violation shall be considered a separate offense and punishable as such. The owner of any sign, building or premises, or part thereof, where anything in violation of this Ordinance shall be placed, or shall exist, and any person who may have knowingly assisted in the commission of any such violation, shall be guilty of a separate offense.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 16.5 *Severability*. If any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared invalid.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 16.6 *Current Regulations Control.* All Regulations heretofore adopted on the subject of these Regulations are hereby repealed, and the provisions of this Regulation are substituted in the place thereof.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 16.7 *Effective Date.* This Ordinance shall be in force and take effect thirty (30) days from and after its adoption.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Title 33: River and Waters

Part 210: Regulation Setting Forth Procedures And Fees For The Production Of Public Records Of The Pearl River Valley Water Supply District Pursuant To The State Public Records Act.

Part 210 Chapter 1: Inspection and Copying of Public Records Pursuant to the State Public Records Act.

Rule 1.1 *Policy*. It is the policy of the District to provide for inspection and copying of its identifiable public records by all people of the State of Mississippi who request such inspection or copying, consistent with the provisions of the Mississippi Public Records Act, § 25-61-1 through § 25-61-17, Mississippi Code of 1972, as amended ("Public Records Act"), and other applicable laws and judicial decisions.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 1.2 *Definitions*.

(a) *Identifiable Public Record:* A public record is identifiable if a reasonably specific description of the record, such as the date, the subject matter and persons involved, or other identifier that will permit location or retrieval of the record, is given in the request for production. Identification of leases or assignments of leases require a subdivision name and lot number.

(b) *Working Day:* A working day is any day other than a weekend, state holiday, federal holiday, or other day on which by executive order the District is authorized to be closed.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 1.3 *Procedure*.

(a) Records Available: All identifiable public records of the District not exempt pursuant to §25-61-9 and §25-61-11 of the Public Records Act or other applicable law or judicial decision are available for inspection or copying, or both, pursuant to the procedures herein.

(b) Request in Writing: All requests shall be in writing, shall request the production or copying of identifiable public records, shall be signed by the person or persons requesting the records, and shall list the requester's address and telephone number.

(c) District Response: Within three working days after the date of the receipt of the request, the District shall notify the requesting party whether the record(s) requested can be located and whether the record(s) can be legally disclosed. If the record is to be disclosed, the District shall give an estimate of the total fee for compliance with the request. Upon payment of the fee estimate, the District shall produce the record(s)

requested for inspection or copying no later than seven (7) working days from the date of the request, but in no event shall production of the record(s) be later than fourteen (14) working days from the date of request for the production of the records.

(d) Denials: Any denial of a request shall be in writing signed by the General Manager of the District, and shall contain a statement of the specific exemption relied upon for the denial.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 1.4 Confidentiality Notice.

(a) Notice of Request: For the purpose of providing notice of a request for inspection, examination, copying or reproduction to a third party that has submitted trade secrets or confidential commercial or financial information, pursuant to §25-61-9 of the Public Records Act, twenty-five (25) days from the mailing of written notice to the third party shall be deemed a reasonable period after which the requested identifiable public record(s) shall be released, unless otherwise exempt from the Public Records Act. Notice to the third party of such request shall be made by the District within three (3) working days from the date of the request for production.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 1.5 Fees.

(a) Costs: A fee reasonably calculated to reimburse the District the actual cost of searching, reviewing, reproducing and transmitting copies of public records shall be paid in advance of complying with a request, as follows:

(i) Basic search, review and reproduction charge: $10.00 minimum search fee plus $.50 per page. Search, review and reproduction must be performed at District offices during a work day, and must be performed by District personnel except as provided in Part 208 Rule 1.5 (a) (vii). Search, review and reproduction fee includes transmittal by U.S. first class mail.

(ii) Certification of authenticity: $5.00 for each certificate.

(iii) Records delivered via FAX: additional charge per transmission of $1.00 per page.

(iv) Records delivered by overnight delivery: additional charge of $25.00 per delivery. This charge will be waived for customers who provide an account number for direct billing through Federal Express.

(v) Additional charge of $5.00 per item for documents retrieved from off-site storage.

(vi) Database printout requests from available database will be charged a fee calculated on a per-request basis, depending on the volume and complexity of information requested, but not less than $.50 per page.

(vii) For extensive searches and reproduction of records, the General Manager may allow the person making the request to perform a search and reproduction on District premises in lieu of these tasks being performed by staff of the District, provided it is done in a non-disruptive manner.

(b) Search: There shall be a minimum search charge of $10.00 if the record requested is not found, or if it is determined to be exempt from public disclosure. An additional charge of $30.00 per request shall be made for staff hours spent in resolving any legal or policy questions concerning the request, but no other charge for staff time shall be made.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 210 Chapter 2: Miscellaneous.

Rule 2.1 *Expedited Requests*. Expedited requests for services in emergency situations that cannot wait for scheduled handling will be charged an additional handling fee of $20.00.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 2.2 *Method of Payment*. Fees and charges shall be paid by check or money order made payable to the District or by Visa or MasterCard credit or debit cards. A charge of $40.00 per item will be assessed for checks returned for insufficiency.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 2.3 *Repeal of Previous Rules and Regulations*.

(a) All previously promulgated rules or regulations that are inconsistent with any provisions set forth above are hereby repealed.

(b) Conflicts between this regulation and existing statutes or statutes hereinafter make relating to access to public PRVWSD records and fees charged shall be resolved in favor of the statute as then in effect.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Title 33: River and Waters

Part 211: Tree Preservation Ordinance

Introduction. It shall be unlawful for any person, firm or corporation to cut or remove any tree within the Reservoir Project Area without first complying with the following requirements:

Part 211 Chapter 1: Removal and Preservation Plan.

Rule 1.1 *Removal and Preservation Plan.* A tree removal and preservation plan along with a comprehensive landscape plan must be submitted to the District Building Inspector prior to commencement of tree removal, dirt work or clearing of underbrush. A tree removal and preservation plan shall be prepared by a Registered Forester or Certified Landscape Architect. No building permits will be issued until the plan is submitted to and approved by the District Building Inspector.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 211 Chapter 2: Removal and Preservation Plan Requirements.

Rule 2.1 *Plan Requirements.* The plan must contain the following information:

(a) Project name and address.

(b) Forester or Landscape Architect name, address, registration number and phone number.

(c) Scale, north arrow, property lines.

(d) All existing trees on the site, or where there are groups of trees, stands may be outlined.

(e) All trees desired to be removed and appraised timber value.

(f) All trees and/or groups of trees to be preserved.

(g) Details showing the method of protecting trees to be preserved:

(h) Tree fences;

(i) Slit fences; or,

(j) Tree protection signs.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 211 Chapter 3: Minimum Tree Saving Requirements/Protected Zone.

Rule 3.1 *Activities Excluded Within Tree Protective Zones.* The "protective zone" of tree(s) to be preserved shall include no less than the total area beneath the canopy of the tree(s) as defined by the farthest canopy dripline of the tree(s) (referenced herein as "Tree Protective Zone"). The following activities must be excluded within Tree Protective Zones:

(a) Construction site activities such as parking, materials storage, concrete washout, chemical spills, or similar activities which would compact or contaminate the area.

(b) In the event of cut or fill, excavation or the laying of utility lines within the protected zone, the method of preservation for trees that are to be preserved shall be consistent with accepted landscape industry practices. Trees to be preserved must be protected from the following damage which may occur from the development and construction process:

(i) Direct physical root damage;

(ii) Indirect physical root damage (soil compaction, sedimentation of erosion material, etc.); and,

(iii) Trunk and crown disturbances.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 211 Chapter 4: Credit Units.

Rule 4.1 The lessee or assignee of the property affected shall provide and maintain the necessary protection and preserve a minimum of fifteen (15) credit units (determined in accordance with Table A and Table B attached) of existing trees per acre (or pro-rata portion of an acre) excluding the acreage in any building's foot print. In the event existing trees do not meet the minimum credit units or existing trees were removed during the construction process, additional trees must be planted until a minimum of 15 credit units is met. The tree density shall be calculated by multiplying the number of trees of each diameter by the unit credits. This calculation shall be made for both trees saved (Table A) and trees planted (Table B).

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 211 Chapter 5: Tree Removal Permit.

Rule 5.1 *Tree Removal Permit.* Trees in the following areas may not be removed without a Tree Removal Permit from the employee designed by the General Manager as the District's Forester:

(a) A minimum of sixty (60) feet on each side of a stream - a well-defined natural channel that may or may not have flow, depending on the season of the year.

(b) Areas that are set aside by special design of the Board of Directors of the District and buffer areas between adjoining developments or commercial developments.

This provision shall not, however, prevent the lessee or assignee of a single-family lot, after a final subdivision plat has been filed, from removing any tree within 30 feet from a dwelling or up to 30% of existing trees on a lot without a tree removal permit.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Part 211 Chapter 6: Inspection.

Rule 6.1 *Inspection.* The District's General Manager, Forester, Environmental System Planner or Building Inspector shall have the right to inspect and stop all construction within a disputed area if any tree removal is not in compliance with this Tree Preservation Policy or if minimum standards are not being met. If deemed necessary in the sole opinion of the District's General Manager, Forester, Environmental System Planner or Building Inspector, <u>all</u> construction and/or development activity on the <u>entire</u> leased premises shall cease until acceptable safeguards are in place to insure compliance with this Tree Preservation Policy.

TABLE A

TREES SAVED CONVERSION FROM TREE DIAMETER IN INCHES TO TREE DENSITY UNITS FOR TREES REMAINING ON SITE.

Diameter	Units	Diameter	Units	Diameter	Units
4	.75	20	3.75	36	6.75
5	.90	21	3.90	37	6.90
6	1.10	22	4.10	38	7.10
7	1.30	23	4.30	39	7.30
8	1.50	24	4.50	40	7.50
9	1.70	25	4.70	41	7.70
10	1.90	26	4.90	42	7.90
11	2.10	27	5.10	43	8.00
12	2.25	28	5.25	44	8.25
13	2.40	29	5.40	45	8.40
14	2.60	30	5.60	46	8.60
15	2.80	31	5.80	47	8.80
16	3.00	32	6.00	48	9.00
17	3.20	33	6.20	49	9.20
18	3.40	34	6.40	50	9.40
19	3.60	35	6.60		

TABLE B

TREES PLANTED CONVERSION FROM TREE DIAMETER IN INCHES TO TREE DENSITY UNITS FOR PROPOSED NEW TREES.

Diameter	Units	Diameter	Units
2	.75	9	2.25
3	.90	10	2.50
4	1.10	11	2.80
5	1.40	12	3.10
6	1.50	13	3.40
7	1.80	14	3.70
8	2.00		

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Title 33: River and Waters

Part 212: REPEALED

Title 33: River and Waters

Part 213: No Waiver

Part 213 Chapter 1: No Waiver

Rule 1.1 *General.* Nothing contained herein shall affect the operation and maintenance of the Ross Barnett Reservoir nor shall anything contained herein be construed to waive the sovereign immunity of the District or anyone acting on behalf of the District, in whole or in part. If any provision of this ordinance is deemed invalid, such fact shall not affect enforcement of other provisions of this ordinance. This ordinance as renumbered and recodified shall be in full force and effect from and after June 1, 2011; however, all provisions of this Ordinance shall remain in full force and effect as initially adopted by the Board of Directors of the District.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Rule 1.2 *Titles.* All titles listed in these Regulations are for convenience of use and compliance with required format and do not limit, alter or amend the substance of any regulation.

Source: *Miss. Code Ann. §* 51-9-127 (Rev. 2000)

Adopted as renumbered and recodified, June 16, 2011.

CERTIFICATION

I, _____, Assistant Secretary of the Board of Directors of the Pearl River Valley Water Supply District, do hereby certify that the above and foregoing Regulations are a true and correct copy of the Regulations of the Pearl River Valley Water Supply District adopted as renumbered and recodified as of the _____ day of _____, 20___.

This _____ day of _____, 20___.

_____
Assistant Secretary

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