

BE IT REMEMBERED THAT THERE WAS BEGUN AND HELD THE REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI ON NOVEMBER 16, 2004 AT 7:00 P.M. IN THE BOARDROOM OF SAID CITY.

THOSE PRESENT	MAYOR TONY PHILLIPS
CITY ATTORNEY	CHRISTOPHER BAUER (FOR TOM TYNER)
ALDERMEN	MICHAEL DRAUGHN WILLIE W HINTON JOE C MCMURRY, SR STEVE STRINGER WILLIAM A TRAVIS
OTHERS PRESENT	JESSICA DYKES LEE DRAUGHN JAMES WALLACE PARKER CHAPMAN CORT MULLIS (TROOP 3) ED SAULTERS

THE MAYOR DECLARED A QUORUM PRESENT AND DECLARED THE CITY COUNCIL IN SESSION.

THE INVOCATION WAS OFFERED BY MAYOR TONY PHILLIPS.

WHEREAS, MAYOR PHILLIPS PRESENTED THE AGENDA WITH THE FOLLOWING CHANGES:

- IX. GENERAL BUSINESS
 - 14. REQUEST TO FREEZE ALL PERMITS FOR HERBIE CLEARMAN AFTER 30 DAY PERIOD IF FAILS TO MEET REQUIREMENTS IN REFERENCE TO KEYSTONE SUBDIVISION
 - 15. REQUEST TO APPROVE CONDITIONAL USE FOR A USED CAR LOT IN REFERENCE TO C-2 FOR 5-R DEVELOPMENT
 - 16. REQUEST TO PURCHASE COMPUTER FROM CIRCUIT CITY FOR \$769.00 FOR RECREATION DEPARTMENT.
- X. SEMINARS & TRAVEL
 - 1. OMIT
- XI. ORDERS & ORDINANCES
 - 1. OMIT
 - 4. REQUEST TO AMEND NOISE ORDINANCE 1981(53) ON RADIO
 - 5. REQUEST TO ADOPT ORDINANCE FOR STORMWATER RUNOFF ILLICIT DISCHARGES
 - 6. REQUEST TO DEMOTE GERRY STANDLEY IN THE RECREATION DEPARTMENT

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO ADOPT THE AGENDA AS AMENDED. ALDERMAN MCMURRY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED THE MINUTES OF THE REGULAR MEETING OF NOVEMBER 2, 2004.

THEREUPON, ALDERMAN MCMURRY MADE A MOTION THAT THE MINUTES OF THE REGULAR MEETING OF NOVEMBER 2, 2004 BE APPROVED AS WRITTEN. ALDERMAN STRINGER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN

ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS CALLED FOR PUBLIC COMMENT.

THEREUPON, JO DOHERTY ADDRESSED THE MAYOR AND BOARD OF ALDERMEN ABOUT THE GARAGE SALES SIGNS POSTED ALL ALONG THE ROADS. SHE THINKS THAT THE ORDINANCE NEEDS TO BE ENFORCED FOR THE PERSON THAT IS HOLDING A GARAGE SALE TO TAKE DOWN THE SIGNS WHEN THE DATE HAS PASSED.

THEREUPON, JESSICA DYKES ADDRESSED THE MAYOR AND BOARD OF ALDERMEN TO PLAN AND ORGANIZE A FIRE FIGHTER'S RODEO AT RELAY PARK ON MARCH 5, 2005. MS DYKES IS DOING THIS FOR HER SENIOR PROJECT FOR PETAL HIGH SCHOOL WITH ASSISTANCE FROM FIREFIGHTER LEE DRAUGHN AS HER MENTOR.

WHEREAS, THE HOUR OF 7:00 P.M. HAVING ARRIVED, THE MAYOR AND BOARD OF ALDERMEN PROCEEDED TO OPEN AND READ THE BIDS FOR BRUSH CHIPPER.

SEE EXHIBIT "A"

BIDS FOR BRUSH CHIPPER

THEREUPON, ALDERMAN HINTON MADE A MOTION TO TAKE UNDER ADVISEMENT UNTIL LARRY BYRD, STREET SUPERVISOR, CAN CHECK AND SEE THAT ALL SPECS WERE MET. ALDERMAN MCMURRY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED A REQUEST FROM DON MCGEE TO PUT A CANOPY OVER THE DRIVE-THRU AT W.L. SMITH SCHOOL.

THEREUPON, ALDERMAN HINTON MADE A MOTION TO DENY THE REQUEST FROM DON MCGEE FOR THE CANOPY. ALDERMAN STRINGER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED REQUEST FOR APPROVAL TO ADVERTISE FOR BIDS FOR A SIX (6) MONTHS TERM CONTRACT FOR ASPHALT/ASPHALT OVERLAY BEGINNING JANUARY 1, 2005.

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO AUTHORIZE THE CITY CLEK TO ADVERTISE FOR BIDS FOR A SIX (6) MONTHS TERM CONTRACT FOR ASPHALT/ASPHALT OVERLAY BEGINNING JANUARY 1, 2005. ALDERMAN TRAVIS SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON

ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED A REQUEST TO APPOINT CARL SCOTT TO THE PINE BELT SOLID WASTE AUTHORITY BOARD.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO APPOINT CARL SCOTT TO THE PINE BELT SOLID WASTE AUTHORITY BOARD. ALDERMAN MCMURRY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

ALDERMAN MICHAEL DRAUGHN
ALDERMAN WILLIAM A TRAVIS

WHEREAS, MAYOR PHILLIPS PRESENTED THE REVENUE AND EXPENDITURE REPORT FOR THE MONTH OF OCTOBER, 2004 TO THE BOARD.

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO ACCEPT THE REVENUE AND EXPENDITURE REPORT FOR THE MONTH OF OCTOBER, 2004. ALDERMAN STRINGER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED AN INVOICE FROM FLYNT & ASSOCIATES IN AMOUNT OF \$900.00 FOR FAIRCHILD DRIVE FOR SURVEYING AROUND WATER TANK.

THEREUPON, ALDERMAN DRAUGHN MADE A MOTION TO AUTHORIZE CITY CLERK TO PAY INVOICE #P311-04 TO FLYNT & ASSOCIATES IN AMOUNT OF \$900.00 FOR FAIRCHILD DRIVE FOR SURVEYING AROUND WATER TANK. ALDERMAN MCMURRY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED THE FOLLOWING PROOFS OF PUBLICATION:

- A. PUBLIC NOTICE-ZONING HEARING FOR THOMAS CROSS
- B. RESOLUTION-BUDGET AMENDMENT
- C. NOTICE TO BIDDERS-BIDS FOR BRUSH CHIPPER

THEREUPON, ALDERMAN MCMURRY MADE A MOTION THAT THE FOREGOING PROOFS OF PUBLICATION BE ACCEPTED AND FILED. ALDERMAN STRINGER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED AN INVOICE FROM SHOWS, DEARMAN, & WAITS, INC IN AMOUNT OF \$1,733.55 FOR PROPOSED WATER LINE ALONG SOUTH MAIN STREET.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO AUTHORIZE CITY CLERK TO PAY INVOICE #13692 IN AMOUNT OF \$1,733.55 TO SHOWS, DEARMAN, & WAITS, INC FOR PROPOSED WATER LINE ALONG SOUTH MAIN STREET. ALDERMAN MCMURRY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED THE PRIVILEGE LICENSE REPORT FOR THE MONTH OF OCTOBER 2004.

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO ACCEPT THE PRIVILEGE LICENSE REPORT FOR THE MONTH OF OCTOBER 2004. ALDERMAN DRAUGHN SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED THE RECOMMENDATION FROM THE PLANNING COMMISSION FOR PROPERTY LOCATED AT 600 HWY 42 FROM R-1 TO C-2.

SEE EXHIBIT "B"

ORDINANCE 1979 (42A-156)

THEREUPON, ALDERMAN TRAVIS MADE A MOTION TO ADOPT THE FOREGOING ORDINANCE 1979 (42A-156) CHANGING AND AMENDING THE ZONING MAP AS TO PROPERTY LOCATED AT 600 HWY 42 FROM R-1 TO C-2. ALDERMAN DRAUGHN SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER

ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED THE RECOMMENDATION FROM THE PLANNING COMMISSION FOR PROPERTY LOCATED AT 604 NEW RICHTON ROAD FROM R-1 TO C-2.

SEE EXHIBIT "C"

ORDINANCE 1979 (42A-157)

THEREUPON, ALDERMAN TRAVIS MADE A MOTION TO ADOPT THE FOREGOING ORDINANCE 1979 (42A-157) CHANGING AND AMENDING THE ZONING MAP AS TO PROPERTY LOCATED AT 604 NEW RICHTON ROAD FROM R-1 TO C-2. ALDERMAN DRAUGHN SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED THE RECOMMENDATION FROM THE PLANNING COMMISSION FOR PROPERTY LOCATED AT 4 SPRINGFIELD ROAD FROM R-1 TO C-2.

SEE EXHIBIT "D"

ORDINANCE 1979 (42A-158)

THEREUPON, ALDERMAN TRAVIS MADE A MOTION TO ADOPT THE FOREGOING ORDINANCE 1979 (42A-158) CHANGING AND AMENDING THE ZONING MAP AS TO PROPERTY LOCATED AT 4 SPRINGFIELD ROAD FROM R-1 TO C-2. ALDERMAN DRAUGHN SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED AN INVOICE FROM GRIFFIN ARCHITECT FOR \$600.00 TO DETERMINE ESTIMATED COST OF A SOCCER COMPLEX.

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO AUTHORIZE THE CITY CLERK TO PAY THE INVOICE TO GRIFFIN ARCHITECT IN AMOUNT OF \$600.00 TO DETERMINE ESTIMATED COST OF A SOCCER COMPLEX. ALDERMAN STRINGER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED A REQUEST TO PURCHASE A TRUCK FOR THE WATER DEPARTMENT OFF OF STATE CONTRACT.

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO TAKE UNDER ADVISEMENT UNTIL THE MAYOR CAN GET A QUOTE FOR STATE CONTRACT. ALDERMAN DRAUGHN SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED A REQUEST TO FREEZE ALL BUILDING PERMITS FOR HERBIE CLEARMAN AFTER 30 (THIRTY) DAY PERIOD IF HE FAILS TO MEET REQUIREMENTS IN REFERENCE TO KEYSTONE SUBDIVISION.

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO FREEZE ALL BUILDING PERMITS FOR HERBIE CLEARMAN AFTER 30 (THIRTY) DAY PERIOD IF FAILS TO MEET REQUIREMENTS IN REFERENCE TO KEYSTONE SUBDIVISION. ALDERMAN STRINGER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED A REQUEST TO APPROVE CONDITIONAL USE FOR A USED CAR LOT IN REFERENCE TO C-2 FOR 5-R DEVELOPMENT.

THEREUPON, ALDERMAN HINTON MADE A MOTION TO APPROVE THE CONDITIONAL USE OF THE CAR LOT IN THE C-2 ZONE, BUT DENY THE SUBMITTED SITE PLANS. ALDERMAN STRINGER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED A REQUEST FROM TOM HARDGES, RECREATION DIRECTOR, TO PURCHASE A COMPUTER FOR THE RECREATION DEPARTMENT FROM CIRCUIT CITY FOR \$769.00.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO AUTHORIZE TOM HARDGES TO PURCHASE THE COMPUTER FROM CIRCUIT CITY IN THE AMOUNT OF \$769.00 FOR THE RECREATION DEPARTMENT. ALDERMAN DRAUGHN SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED A REQUEST TO ATTEND THE MML MID WINTER CONFERENCE JANUARY 25-27, 2005 IN JACKSON, MS.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO AUTHORIZE MAYOR TONY PHILLIPS TO ATTEND THE MML MID WINTER CONFERENCE JANUARY 25-27, 2005 IN JACKSON, MS. AND TO PAY HIS EXPENSES. ALDERMAN MCMURRY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIAM A TRAVIS

WHEREAS, MAYOR PHILLIPS PRESENTED THE FOLLOWING ORDER INCREASING THE PAY OF JASON JONES IN THE WATER DEPARTMENT.

ORDER

WHEREAS, THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI DO HEREBY DEEM IT NECESSARY TO INCREASE THE PAY OF JASON JONES IN THE WATER DEPARTMENT, WITH THE RECOMMENDATION OF RALPH EDDLEMON.

IT IS HEREBY ORDERED THAT JASON JONES RECEIVE AN INCREASE TO \$7.96 PER HOUR EFFECTIVE NOVEMBER 17, 2004.

SO ORDERED ON THIS THE 16TH DAY OF NOVEMBER, 2004.

THEREUPON, ALDERMAN HINTON MADE A MOTION TO ADOPT THE FOREGOING ORDER. ALDERMAN TRAVIS SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED THE FOLLOWING ORDINANCE FOR CURFEW HOURS.

SEE EXHIBIT "E"

ORDINANCE 2004(105)

THEREUPON, ALDERMAN DRAUGHN MADE A MOTION TO ADOPT THE FOREGOING ORDINANCE 2004(105). ALDERMAN STRINGER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED A REQUEST TO AMEND THE FOLLOWING ORDINANCE 1981(53).

SEE EXHIBIT "F"

ORDINANCE 1981(53-1)

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO ADOPT THE FOREGOING ORDINANCE 1981(53-1) ON RADIO NOISES. ALDERMAN DRAUGHN SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED THE FOLLOWING ORDINANCE FOR STORMWATER RUNOFF ILLICIT DISCHARGE.

SEE EXHIBIT "G"

ORDINANCE 2004(106)

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO ADOPT THE FOREGOING ORDINANCE FOR STORMWATER RUNOFF ILLICIT DISCHARGE. ALDERMAN DRAUGHN SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED A REQUEST FROM RECREATION DIRECTOR, TOM HARDGES, TO DEMOTE GERRY STANDLEY.

ORDER

WHEREAS, THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI DO HEREBY DEEM IT NECESSARY TO DEMOTE GERRY STANDLEY IN THE RECREATION DEPARTMENT UPON THE RECOMMENDATION OF RECREATION DIRECTOR TOM HARDGES.

IT IS HEREBY ORDERED THAT GERRY STANDLEY BE DEMOTED TO \$7.21 PER HOUR EFFECTIVE NOVEMBER 24, 2004.

SO ORDERED ON THIS THE 16TH DAY OF NOVEMBER, 2004.

THEREUPON, ALDERMAN DRAUGHN MADE A MOTION TO ADOPT THE FOREGOING ORDER. ALDERMAN TRAVIS SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER

ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED THE THANKSGIVING HOLIDAY SCHEDULE AS PROCLAIMED FOR THE STATE OF MISSISSIPPI GOVERNOR'S OFFICE.

SEE EXHIBIT "H"

STATE OF MISSISSIPPI

THANKSGIVING—	NOVEMBER 25, 2005	THURSDAY
	NOVEMBER 26, 2004	FRIDAY

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO ADOPT THE FOREGOING DAYS AS THANKSGIVING HOLIDAYS FOR THE ELIGIBLE CITY EMPLOYEES. ALDERMAN HINTON SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED THE CHRISTMAS HOLIDAY SCHEDULE AS PROCLAIMED FOR THE STATE OF MISSISSIPPI GOVERNOR'S OFFICE.

SEE EXHIBIT "I"

STATE OF MISSISSIPPI

CHRISTMAS	DECEMBER 24, 2004	FRIDAY
	DECEMBER 27, 2004	MONDAY

THEREUPON, ALDERMAN DRAUGHN MADE A MOTION TO ADOPT THE FOREGOING DAYS FOR CHRISTMAS HOLIDAYS FOR THE ELIGIBLE CITY EMPLOYEES. ALDERMAN HINTON SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED THE NEW YEARS HOLIDAY SCHEDULE AS PROCLAIMED FOR THE STATE OF MISSISSIPPI GOVERNOR'S OFFICE.

SEE EXHIBIT "J"

STATE OF MISSISSIPPI

NEW YEAR'S	DECEMBER 31, 2004	FRIDAY	
	JANUARY 3, 2005		MONDAY

THEREUPON, ALDERMAN DRAUGHN MADE A MOTION TO ADOPT THE FOREGOING NEW YEAR'S DAYS AS HOLIDAYS FOR THE ELIGIBLE CITY EMPLOYEES. ALDERMAN MCMURRY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN

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ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

ALDERMAN WILLIE W HINTON

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO ADJOURN. ALDERMAN TRAVIS SECONDED THE MOTION.

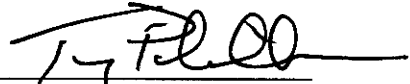
THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

THEREBEING NO FURTHER BUSINESS, THE REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI WAS ADJOURNED ON THIS THE 16TH DAY OF NOVEMBER 2004.



TONY PHILLIPS
MAYOR

(SEAL)

ATTEST:


JEAN MISHEE
CITY CLERK

EXHIBIT "A"

SUPPLIER BID FORM

Name of bidder: Vermeer Midsouth, Inc.

Address of bidder: 5246 Greenway Dr. Jackson, MS 39204

Make of unit: Vermeer

Model of unit: 1400

Sale Price of New Unit: \$29,220.00

Guaranteed buy back option:

Guaranteed buy back @ 36 months or 5000 hour.....\$ 0

Guaranteed buy back @ 48 months or 6000 hour.....\$ 0

Guaranteed buy back @ 60 months or 7000 hour.....\$ 0

(If not bidding a Guaranteed buy back enter \$0)

Warranty (Enclose copy)

Labor rate for non warranty work.....(by hour).....\$ 62.00/65.00

Travel mileage rate.....(per mile).....\$ 1.05

Distance from nearest facility..... 90 miles

Delivery date..... In stock
7-15 days

Exceptions and Justification to Specifications

Meets all Specifications

Representative Jason Rankin

- Features and specs:
- 004 122 HP CAT diesel
 - 066 Smart Feed Droop
 - 017 Domestic option
 - 023 Non-winch
 - 022 Electric brakes
 - 016 Manual chip chute
 - 071 Flotation tires
 - 061 Deluxe instrumentation

ORDINANCE BOOK 3

ORDINANCE NUMBER 1979 (42-A156)

AN ORDINANCE CHANGING AND AMENDING THE COMPREHENSIVE ZONING ORDINANCE NO. 1979 (42) OF THE CITY OF PETAL, MISSISSIPPI, AS AMENDED BY ORDINANCE NUMBERS 1979 (42-1) THROUGH 1979 (42-A155) SO AS TO CHANGE THE ZONING CLASSIFICATION OF PROPERTY LOCATED AT 600 HIGHWAY 42, PETAL, MS, FROM R-1 (LOW DENSITY RESIDENTIAL) TO C-2 (GENERAL COMMERCIAL DISTRICT).

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI:

SECTION 1. That the Comprehensive Zoning District Map, adopted as part of the Comprehensive Zoning Ordinance Number 1979 (42) of the City of Petal, Mississippi, as amended by Ordinance Numbers 1979 (42-1) through 1979 (42-A155) and the same is hereby changed and amended as per petition filed in connection therewith so that the land described as listed below. Change of current zoning from R-1 (Low Density Residential) to C-2 (General Commercial District).

Said land being more particularly described as follows, to wit:

LOT 6 INDIAN SPRINGS S/D B472 P1.779 PREV #:P6310065 INDIAN SPRINGS SUBDIVISION

as per map or plat thereof on file in the office of the Chancery Clerk of Forrest County, Mississippi, is hereby classified and placed in the C-2 (General Commercial District).

SECTION 2. Except as hereby expressly changed and amended, the aforesaid Comprehensive Zoning Ordinance No. 1979 (42) of the City of Petal, Mississippi, as amended by Ordinance Numbers 1979 (42-1) through 1979 (42-A155) shall be and remain in full force and form as adopted on November 16, 2004.

SECTION 3. That this Ordinance shall take effect and be in full force within thirty (30) days from and after its passage as provided by law.

The foregoing Ordinance having been reduced to writing, the same was introduced and read, and a vote was taken thereon, first section by section and then upon the Ordinance as a whole with the following results:

Those present and voting "AYE" and in favor of the passage, adoption and approval of Sections 1, 2 and 3 of the foregoing Ordinance:

- ALDERMAN MICHAEL W. DRAUGHN
ALDERMAN WILLIE W. HINTON
ALDERMAN JOE C. MCMURRY, SR.
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A. TRAVIS

Those present and voting "NAY" or against the adoption of any section of the foregoing Ordinance: NONE

Those present and voting "AYE" and in favor of the adoption of the foregoing Ordinance as a whole:

- ALDERMAN MICHAEL W. DRAUGHN
ALDERMAN WILLIE W. HINTON
ALDERMAN JOE C. MCMURRY, SR.
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A. TRAVIS

Those present and voting "NAY" or against the adoption of the foregoing Ordinance as a whole: NONE

WHEREUPON, the foregoing Ordinance be, and the same is hereby passed, adopted and approved on this the 16th day of November 2004.

Signature of Tony Phillips, Mayor

(SEAL)

ATTEST:

Signature of Jean Ishee, City Clerk

PUBLISH 1 TIME: November 24, 2004.

ORDINANCE BOOK 3

ORDINANCE NUMBER 1979 (42-A157)

CITY OF PETAL
MINUTE BOOK 24

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AN ORDINANCE CHANGING AND AMENDING THE COMPREHENSIVE ZONING ORDINANCE NO. 1979 (42) OF THE CITY OF PETAL, MISSISSIPPI, AS AMENDED BY ORDINANCE NUMBERS 1979 (42-1) THROUGH 1979 (42-A156) SO AS TO CHANGE THE ZONING CLASSIFICATION OF PROPERTY LOCATED AT 604 NEW RICHTON ROAD, PETAL, MS, FROM R-1 (LOW DENSITY RESIDENTIAL) TO C-2 (GENERAL COMMERCIAL DISTRICT).

EXHIBIT "C"

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI:

SECTION 1. That the Comprehensive Zoning District Map, adopted as part of the Comprehensive Zoning Ordinance Number 1979 (42) of the City of Petal, Mississippi, as amended by Ordinance Numbers 1979 (42-1) through 1979 (42-A156) and the same is hereby changed and amended as per petition filed in connection therewith so that the land described as listed below. Change of current zoning from R-1 (Low Density Residential) to C-2 (General Commercial District).

Said land being more particularly described as follows, to wit:

LOT 4 INDIAN SPRINGS S/D PREV#:P63100004 398/77 9/74 642/8
11/90 INDIAN SPRINGS SUBDIVISION

as per map or plat thereof on file in the office of the Chancery Clerk of Forrest County, Mississippi, is hereby classified and placed in the C-2 (General Commercial District).

SECTION 2. Except as hereby expressly changed and amended, the aforesaid Comprehensive Zoning Ordinance No. 1979 (42) of the City of Petal, Mississippi, as amended by Ordinance Numbers 1979 (42-1) through 1979 (42-A156) shall be and remain in full force and form as adopted on November 16, 2004.

SECTION 3. That this Ordinance shall take effect and be in full force within thirty (30) days from and after its passage as provided by law.

The foregoing Ordinance having been reduced to writing, the same was introduced and read, and a vote was taken thereon, first section by section and then upon the Ordinance as a whole with the following results:

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Those present and voting "AYE" and in favor of the passage, adoption and approval of Sections 1, 2 and 3 of the foregoing Ordinance:

ALDERMAN MICHAEL W. DRAUGHN
ALDERMAN WILLIE W. HINTON
ALDERMAN JOE C. MCMURRY, SR.
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A. TRAVIS

Those present and voting "NAY" or against the adoption of any section of the foregoing Ordinance:

NONE

Those present and voting "AYE" and in favor of the adoption of the foregoing Ordinance as a whole:

ALDERMAN MICHAEL W. DRAUGHN
ALDERMAN WILLIE W. HINTON
ALDERMAN JOE C. MCMURRY, SR.
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A. TRAVIS

Those present and voting "NAY" or against the adoption of the foregoing Ordinance as a whole:

NONE

WHEREUPON, the foregoing Ordinance be, and the same is hereby passed, adopted and approved on this the 16th day of November 2004.


TONY PHILLIPS, MAYOR

(SEAL)

ATTEST:


JEAN ISHEE, CITY CLERK

PUBLISH 1 TIME: November 24, 2004.

ORDINANCE BOOK 3

ORDINANCE NUMBER 1979 (42-A158)

AN ORDINANCE CHANGING AND AMENDING THE COMPREHENSIVE ZONING ORDINANCE NO. 1979 (42) OF THE CITY OF PETAL, MISSISSIPPI, AS AMENDED BY ORDINANCE NUMBERS 1979 (42-1) THROUGH 1979 (42-A157) SO AS TO CHANGE THE ZONING CLASSIFICATION OF PROPERTY LOCATED AT 4 SPRINGFIELD ROAD, PETAL, MS, FROM R-1 (LOW DENSITY RESIDENTIAL) TO C-2 (GENERAL COMMERCIAL DISTRICT).

CITY OF PETAL
MINUTE BOOK 24

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EXHIBIT "D"

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI:

SECTION 1. That the Comprehensive Zoning District Map, adopted as part of the Comprehensive Zoning Ordinance Number 1979 (42) of the City of Petal, Mississippi, as amended by Ordinance Numbers 1979 (42-1) through 1979 (42-A157) and the same is hereby changed and amended as per petition filed in connection therewith so that the land described as listed below. Change of current zoning from R-1 (Low Density Residential) to C-2 (General Commercial District).

Said land being more particularly described as follows, to wit:

POB 50' N OF SW/COR NE 1/4 SW 1/4 & 25' E OF SPRINGFIELD RD N 210 E 210 S 210 W 210 TO POB 1AC MOL DB595 P215 1/88 BK 614 PG 110 03/20/1989 PREV#:0632300-052 B595 P215 1/25/88 DBOOK 0897 PG 347 11/08/2002

as per map or plat thereof on file in the office of the Chancery Clerk of Forrest County, Mississippi, is hereby classified and placed in the C-2 (General Commercial District).

SECTION 2. Except as hereby expressly changed and amended, the aforesaid Comprehensive Zoning Ordinance No. 1979 (42) of the City of Petal, Mississippi, as amended by Ordinance Numbers 1979 (42-1) through 1979 (42-A157) shall be and remain in full force and form as adopted on November 16, 2004.

SECTION 3. That this Ordinance shall take effect and be in full force within thirty (30) days from and after its passage as provided by law.

The foregoing Ordinance having been reduced to writing, the same was introduced and read, and a vote was taken thereon, first section by section and then upon the Ordinance as a whole with the following results:

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Those present and voting "AYE" and in favor of the passage, adoption and approval of Sections 1, 2 and 3 of the foregoing Ordinance:

ALDERMAN MICHAEL W. DRAUGHN
ALDERMAN WILLIE W. HINTON
ALDERMAN JOE C. MCMURRY, SR.
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A. TRAVIS

Those present and voting "NAY" or against the adoption of any section of the foregoing Ordinance:

NONE

Those present and voting "AYE" and in favor of the adoption of the foregoing Ordinance as a whole:

ALDERMAN MICHAEL W. DRAUGHN
ALDERMAN WILLIE W. HINTON
ALDERMAN JOE C. MCMURRY, SR.
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A. TRAVIS

Those present and voting "NAY" or against the adoption of the foregoing Ordinance as a whole:

NONE

WHEREUPON, the foregoing Ordinance be, and the same is hereby passed, adopted and approved on this the 16th day of November 2004.


TONY PHILLIPS, MAYOR

(SEAL)

ATTEST:


JEAN ISHEE, CITY CLERK

PUBLISH 1 TIME: November 24, 2004.

ORDINANCE 2004 (105)

AN ORDINANCE ESTABLISHING A CURFEW FOR MINORS,
ESTABLISHING PENALTIES FOR VIOLATION THEREOF,
ESTABLISHING AN EFFECTIVE DATE FOR THE ENFORCEMENT
OF THE ORDINANCE, AND FOR RELATED PURPOSES

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE
CITY OF PETAL, MISSISSIPPI:

SECTION 1: Ordinance 1977(36) and Ordinance 1977(36A-1), is repealed.

SECTION 2: DEFINITIONS

2.01 The following terms, phrases, words, and their derivations shall have the meanings given herein. When not in consistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural. The word "shall" is also mandatory and not merely directory

2.02 CURFEW HOURS mean:

- (1) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day, and
- (2) 12:01 a.m. until 6:00 a.m. on any Saturday and Sunday
- (3) 9:00 a.m. until 2:00 p.m. on any Monday, Tuesday, Wednesday, Thursday, or Friday during the school term in which a compulsory school-age child is to be enrolled in a public or private legitimate non-public school, as required by the Mississippi Compulsory School Attendance Law (37-13-91) et. seq., MS Code Annotated). This curfew provision applies only to those minors to whom the MS Compulsory School Attendance Law applies.

2.03 EMERGENCY means an unforeseen combination of circumstances or the resulting state that calls for immediate action. This term includes, but it is not limited to, a fire, a natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious; bodily injury or loss of life.

2.04 SERIOUS BODILY INJURY means bodily injury that creates a substantial risk of death or that causes death, serious permanent

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MINUTE BOOK 24

EXHIBIT "E"

disfigurement, or protracted loss or impairment of the functions of any bodily member or organ. 79

2.05 ESTABLISHMENT means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

2.06 GUARDIAN means:

- (1) a person, who, under Court Order, is the guardian of the person of a minor; or
- (2) a public or private agency with whom a minor has been placed by a Court.

2.07 MINOR means a person under eighteen (18) years of age.

2.08 OPERATOR means an individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes; the members of parents of an association or partnership and the officers of a corporation.

2.09 PARENT means a person who is:

- (1) a natural parent, adoptive parent; or
- (2) at least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.

2.10 PUBLIC PLACE means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

2.11 REMAIN means:

- (1) linger or stay; or
- (2) fail to leave premises when requested to do so by a Police Officer or the owner, operator, or other person in control of the premises.

SECTION 3: OFFENSES

- (a) A minor commits an offense if he/she remains in any public place or on the premises of any establishment within the City of Petal during curfew hours.

- (b) A parent or guardian of a minor commits an offense if he/she knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the City of Petal during curfew hours.
- (c) The owner, operator, or any employee of an establishment commits an offense if he/she knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

SECTION 4: DEFENSES

A. It is a defense to prosecution under Section 3(a) that the minor was:

- (1) accompanied by the minor's parent or guardian;
- (2) on an errand at the direction of the minor's parent or guardian, without any; detour or stops;
- (3) with parental consent, in a motor vehicle engaged in bonafide interstate or intrastate travel through the City of Petal. This also exempts all interstate or intrastate travel beginning or ending in the City of Petal.
- (4) engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (5) involved in an emergency;
- (6) on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the Police Department about the minor's presence;
- (7) attending an official school, religious or other relational activity supervised by adults and sponsored by the City of Petal, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning

home from, without any detour or stop, an official school, religious or other recreational activity supervised by adults and sponsored by the City of Petal, a civic organization or other similar entity that takes responsibility for the minor:

- (8) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (9) married or had been married or had disability of minority removed by a Court of Law;

B. It is a defense to prosecution under Section 3(e) that the owner, operator or employee of an establishment promptly notified the Police Department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

SECTION 5: ENFORCEMENT

Before taking any enforcement action, a Police Officer shall ask the apparent offenders age and reason for being in the public place or establishment. The officer shall not issue a citation or make an arrest unless the officer reasonably believes that an offense has occurred and that based on any response and other circumstances, do defenses in Section 3 is present.

SECTION 6: PENALTIES

- A. A person who violates a provision of this Ordinance is guilty of a separate offense for each day or part of a day during which the violation is committed, continues, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed Five Hundred Dollars (\$500.00).
- B. By discretion of the Municipal Court, the Municipal Court may waive Original jurisdiction over a minor who violates Section 3 (a) or a Parent under Section 3(b) where the Youth Court of Forrest or Lamar County assumes jurisdiction in proceedings concerning a delinquent or

EXHIBIT "E"

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neglected minor residing in the County under 43-21-151,
Mississippi Code Annotated.

SECTION 7: CONSTRUCTION AND SEVERABILITY

Severability is intended through and within the provisions of the Curfew Ordinance. If any provision, including *inter alia* exception, part, phrase, or term of or the application thereof to any person or circumstances is held invalid, the application to other persons or circumstances shall not be affected thereby and the validity of the Curfew Ordinance in any and all other respects shall not be affected thereby. It is intended that the Curfew Ordinance be held inapplicable in such cases, if any, where its application would be unconstitutional. A construction is intended and shall be given. It is not the intent of this article to violate the Constitution of the State of Mississippi or the Constitution of the United States of America.

SECTION 8: CONTINUING EVALUATION

Within six (6) months, after the initial enforcement of this Ordinance and every six (6) months thereafter, the Chief of Police shall provide the Board of Aldermen with a report and make recommendations concerning the effectiveness of and the continuing need for the Ordinance.

The report shall specifically include the following information:

- (a) the particularity of enforcing the Ordinance and any problems with enforcement identified by the Police Department;
- (b) the impact of the Ordinance on crime statistics;
- (c) the number of persons successfully prosecuted for a violation of the Ordinance
- (d) after receipt of the Police Chief's report by the Board of Aldermen, it shall be placed on the Agenda for discussion, review and continuing its evaluation.

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The above and foregoing Ordinance, having been reduced to writing, and presented to the Mayor and Board of Aldermen, section by section, and then as a whole, with the following results:

Those present and voting "AYE" and in favor of the passage, adoption and approval of Section 1, 2, 3, 4, 5, 6, 7, and 8 of the foregoing Ordinance:

Alderman Michael Draughn
Alderman Willie W Hinton
Alderman Joe C. McMurry, SR
Alderman Steve Stringer
Alderman William A Travis

Those present and voting "NAY" or against the adoption of any section of the foregoing Ordinance:

None

Those present and voting "AYE" and in favor of the adoption of the foregoing Ordinance as a whole:

Alderman Michael Draughn
Alderman Willie W Hinton
Alderman Joe C. McMurry, SR
Alderman Steve Stringer
Alderman William A Travis

Those present and voting "NAY" or against the adoption of the foregoing Ordinance as a whole:

None

WHEREUPON, the foregoing Ordinance be, and the same is hereby passed, adopted and approved on this the 16th day of November, 2004.


Tony Phillips
Mayor

(SEAL)

ATTEST:

Jean Hise
City Clerk

ORDINANCE 1981 (53-1)

AN ORDINANCE AMENDING ORDINANCE 1981 (53) PROHIBITING
THE MAKING, CREATION, OR MAINTENANCE OF
EXCESSIVE, UNNECESSARY, UNNATURAL, OR UNUSUALLY
LOUD NOISES

CITY OF PETAL
MINUTE BOOK 24

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EXHIBIT "F"

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Petal,

Mississippi:

SECTION 1. Section 1-3 (B) of Ordinance 1981 (53) as originally adopted on November 3, 1981 is hereby amended to read as follows, to-wit:

SECTION 1-3(B). RADIOS, PHONOGRAPHS, ETC.

The using, operating or permitting to be played, used, or operated any portable radio, receiving set, portable musical instrument, portable phonograph, or other portable machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with a louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such portable set, portable instrument, portable phonograph, portable machine, or portable device for 24 (twenty-four) hours in such manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

SECTION 2. Except as amended herein, the provisions of Ordinance 1981(53), are in full force and effect.

SECTION 3. This Ordinance will be effective thirty (30) days for and after its passage.

The foregoing Ordinance having been reduced to writing, the same was introduced and read and a vote was taken thereon, first section by section, then upon the Ordinance as a whole, with the following results:

Those present and voting "Yea" and in favor of the passage, adoption and approval of Section 1, 2, and 3, of the foregoing Ordinance:

Alderman Michael W Draughn
Alderman Willie W Hinton

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Alderman Joe C. McMurry, SR
Alderman Steve Stringer
Alderman William A Travis

Those present and voting "Nay" or against the adoption of any section of the foregoing Ordinance:

None

Those present and voting "Yea" and in favor of the adoption of the foregoing Ordinance as a whole:

Alderman Michael W Draughn
Alderman Willie W Hinton
Alderman Joe C. McMurry, SR
Alderman Steve Stringer
Alderman William A Travis

Those present and voting "Nay" or against the adoption of the foregoing Ordinance as a whole:

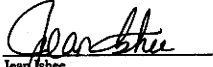
None

WHEREUPON the foregoing Ordinance be, and the same is hereby passed, adopted and approved on this the 16th day of November, 2004.


Tony Phillips
Mayor

(SEAL)

Attest:


Jean Eshe
City Clerk

CITY OF PETAL
ORDINANCE BOOK 3

ORDINANCE NUMBER 2004 (106)

AN ORDINANCE ESTABLISHING METHODS FOR CONTROLLING THE INTRODUCTION OF POLLUTANTS INTO THE CITY DRAINAGE SYSTEM IN ORDER TO COMPLY WITH REQUIREMENTS OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT PROCESS

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI:

ARTICLE 1.0 INTRODUCTION

It is the intention of the Board of Aldermen of the City of Petal (the Board) to protect the health and safety of the citizens and visitors of the community and to prevent damage to private property and public facilities through the proper design and construction of both on-site and regional stormwater management and/or detention facilities that prevent or adequately reduce increases in peak flow rates of runoff that may otherwise increase the risk of flooding and the associated risk of public endangerment, property damage and erosion. To accomplish this goal, the Board finds it is necessary to provide stormwater management practices for drainage and control of flood and surface waters within the City of Petal. This is to insure that storm and surface waters may be properly drained and controlled, pollution may be reduced and environment enhanced, and that the health, property, safety and welfare of the City of Petal and its inhabitants may be safeguarded and protected. Stormwater Runoff is a major contributor to degradation and pollution of receiving waters. Discharges into a Stormwater Runoff system may occur because of stormwater runoff, spills, dumping, and/or improper connections to the stormwater system from developments, residential, industrial, commercial, or institutional establishments. Such discharges not only impact waterways individually, but geographically dispersed, small volume discharges can have a cumulative impact on receiving waters, which can adversely affect public health and safety, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of lands and waters. The City of Petal Board of Aldermen endorses promulgation of this ordinance to address the impacts of stormwater runoff, spills, improper dumping, and/or illegal connections to the City runoff program. This ordinance applies to all lands within the corporate limits of the City of Petal.

SECTION A PURPOSE

- A. The purpose of this ordinance is to protect the environment, public health, safety, property and general welfare of the citizens of Petal, Mississippi, through the regulation of Stormwater Runoff and Illicit Discharges into the City Storm Drainage or any Separate Storm Sewer system, to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the City drainage system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.
- B. This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law. Whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

SECTION B OBJECTIVES

CITY OF PETAL
MINUTE BOOK 24

EXHIBIT "G"

A. The objectives of this ordinance are:

- (1) To regulate or restrict the introduction of pollutants that may potentially enter the City Drainage System;
- (2) To prohibit Illegal Connections and Discharges to any separate storm sewer system;
- (3) To identify, define, and regulate erosion, sediment and detention controls related to stormwater runoff.
- (4) To prevent discharges that may occur as a result of spills, inappropriate dumping or disposal, and/or improper connections to the City drainage system, whether from residential, industrial, commercial or institutional establishments;
- (5) To provide the City of Petal with the authority to deal with Stormwater runoff non-conformance and illicit discharges, and to establish enforcement actions for those persons or entities found to be in noncompliance or that refuse to allow access to their facilities;
- (6) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

ARTICLE 2.0 DEFINITIONS

Accidental Discharge. A discharge prohibited by this ordinance, which occurs by chance, and without planning or thought prior to occurrence.

Authorized Enforcement Agency. Employees or designees of the agency designated to enforce this ordinance.

Best Management Practices (BMPs). schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act. The federal Water Pollution Control Act (33 U.S.C., 1251 et seq.), and any subsequent amendments thereto.

Construction Activity. Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbances. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

City Drainage System (CDS). Any City maintained or designated roadways, ditches, culverts, channels, or conduits intended to direct water flows.

Facility. A structure, installation, or system that is designed to serve a particular purpose, service, or function.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Connections. An illegal connection is defined as any of the following:

Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the drainage system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, wash water, or any other such discharge, to enter the storm drain system and any connections to the storm drain system from any source, regardless of whether such pipe, open channel, drain, connection, or source had been previously allowed, permitted, or approved by an authorized enforcement agency.

Illicit Discharge. Any direct or indirect discharge into a stormwater drainage system that is not composed entirely of stormwater.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit. A permit issued by EPA (or by a State under authority delegated pursuant to 33 USC, 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Stormwater Discharge. Any discharge to the storm drain system that is not composed entirely of stormwater.

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Person. Any individual, association, organization, partnership, firm, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or other legal entity, joint venture, public or private corporation, or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant. Any substance, which causes or contributes to pollution. Pollutants may include, but are not limited to paints, varnishes, solvents, petroleum hydrocarbons, automotive fluids, cooking grease, detergents (biodegradable or otherwise), degreasers, cleaning chemicals, non-hazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter, discarded or abandoned objects, munitions, accumulations that may cause or contribute to pollution, any floatables, pesticides, herbicides, fertilizers, hazardous substances and wastes, sewage, fecal coliform and pathogens, dissolved and particulate metals, animal wastes, wastes and residues that result from constructing a building or structure including concrete/cement (this includes water from washing out cement trucks) and noxious or offensive matter of any kind or any other substance which has been or may be determined to be a pollutant.

Pollution. The contamination or other alteration of any water's physical, chemical or biological properties by the addition of any substance or condition including but not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Premises. Any parcel or portion of land whether improved or unimproved.

Separate storm sewer system. Any facility designed or used for collecting and/or conveying stormwater, including but not limited to streets or roads with drainage systems, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and man-made or altered drainage channels, reservoirs, and other drainage structures, and which are:

- a) Owned or maintained by the City
- b) Not part of publicly owned treatment works.

State Waters. Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, well, and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State, which are not entirely confined and retained completely upon the property of a single person.

Storm Drainage System. Any one (1) or more of various devices used in the collection, treatment or disposition of storm, flood or surface drainage waters, including but not limited to any roads with drainage systems, natural and human-made or altered drainage channels, reservoirs, manmade structures and natural watercourses and/or floodplains for the conveyance of runoff, such as detention or retention areas, berms, swales, improved gutters, pumping stations, pipes, ditches, siphons, catch basins, inlets, and other equipment and appurtenances and all extensions, improvements, remodeling, additions and alterations thereof; and any and all rights or interests in such stormwater facilities.

Stormwater/Stormwater Runoff. Any surface flow, runoff, and/or drainage consisting entirely of water from any form of natural precipitation, which is not absorbed, transpired, evaporated or left in surface depressions, and which then flows controlled or uncontrolled into a watercourse or body of water.

Stormwater Pollution Prevention Plan (SWPPP): A document which describes the Best Management Practices (BMPs) and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Structural Stormwater Control. A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff, including but not limited to, the quantity and quality, the period of release or the velocity of flow.

Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Watercourse: Any stream, river, drainage easement, that transverse property in the City of Petal.

ARTICLE 3.0 APPLICABILITY

This ordinance shall apply to any and all water entering a storm drainage system generated on any developed or undeveloped lands throughout all of the corporate limits of the City of Petal

unless explicitly exempted by an authorized enforcement agency. The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

ARTICLE 4.0 RESPONSIBILITY FOR ADMINISTRATION

The Board of Aldermen of the City of Petal or designee shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

ARTICLE 5.0 SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

ARTICLE 6.0 POLICY

No owner of any parcel of land or property, whether with or without a structure thereupon, shall permit the erosion or escape of soil, sand, gravel, or similar material from said parcel onto any adjoining property, public street or into any drainage channel that receives rainwater runoff from said parcel in such quantities as to harm said adjoining property, public street, drainage channel, or stormwater drainage system. In the development or use of any site, the owner or their agents shall not construct or conduct any activity so as to cause the discharge of rainwater runoff in such a manner as to cause erosion or to increase blockage of such channel or storm drainage system. This includes both pre-construction and post-construction.

SECTION A PERMITTING

Stormwater permits and Stormwater Pollution Prevention Plans (SWPPP) are required as follows:

- 0-9 Acre of land disturbed: No permit or SWPPP currently required.
- 1-5 Acres of land disturbed: Permit required from City of Petal Code Enforcement Office (See Annex A). A Notice of Intent (NOI) and SWPPP must be submitted to the Planning Department (See Annex B and C for examples).
- Above 5 Acres: Permit required from MDEQ. SWPPP must also be submitted to MDEQ.

ARTICLE 7.0 CONSTRUCTION AND/OR INDUSTRIAL ACTIVITY

Any person subject to an industrial or construction activity National Pollution Discharge Elimination System (NPDES) stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Board prior to the allowing of discharges to the City drainage system. Dumping excess cements and washing out cement trucks are included in this article.

SECTION A STANDARDS AND REQUIREMENTS FOR EROSION/SEDIMENT CONTROLS

- (a) Prior to the final approval of the plat of any subdivision, or prior to commencement of construction upon any lot or parcel of land for which a drainage report and construction plan for the installation of stormwater facilities has not been prepared and approved, the owners of the property being subdivided or upon which construction is being commenced shall, at each owner's cost, prepare a detailed drainage report and construction plans for the installation of all stormwater facilities required for such subdivision or lot, including

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EXHIBIT "G"

any off-site facilities required to convey stormwater to existing drains, channels, streams, detention ponds or to other points, all in conformity with the SWPPP on file.

- (b) No final subdivision plat, subdivision construction plan, site plan or building permit shall be approved by the City unless the plans for the proposed development include temporary and permanent erosion and sedimentation control measures such that siltation of downstream drainage ways are minimized.
- (c) The above requirement shall be accomplished through a combination of the following practices:
1. Installation of silt fences and rock or hay berms before and during construction in order to reduce on-site soil erosion and provide temporary capture of sediment.
 2. Temporary and/or permanent revegetation of bare ground in order to stabilize disturbed soil at the earliest practicable date.
 3. Construction of on-site stormwater detention facilities by the landowner or developer in a manner such that detention ponds function as temporary sedimentation basins until permanent revegetation of the subject tract is accomplished.
 4. Other measures which may be necessary to control erosion and sedimentation on a site-by-site basis.

SECTION B STANDARDS AND REQUIREMENTS FOR STORMWATER DETENTION

- A) It is prohibited to place fill material or construct impervious cover or construct or place any other structure on such person's property or perform any excavation or grading in a manner, which alters the flow of surface water across said property in a manner which damages any adjacent property.
1. No final subdivision plat, subdivision construction plan, site plan or building permit shall be approved by the City unless it can be demonstrated by the owner or developer of such property that the proposed development will not result in damage to any adjacent or downstream property. This will be certified by a professional engineer's submittal of sufficient data and calculations.
- B) The above requirement shall be accomplished through one of the following means:
1. Design and construction of an on-site stormwater detention facility, or facilities, by the landowner or developer which limits the peak flood flows from the proposed development to the existing peak flood flows from the subject tract.
 2. Construction of, or participation in the construction of, off-site drainage improvements, such as storm inlets, storm sewers, culverts, channel modifications, land filling, and/or other drainage facilities such that the peak flood flows for fully-developed watershed conditions from the watershed area in which the proposed development is located will be sufficiently and safely passed without flooding of adjacent and downstream property and roadways.
 3. Design and construction of the development by certified engineering data and calculations utilizing limited impervious cover, infiltration of runoff from impervious cover via flow through pervious areas, and/or grass-lined swales or channels such that these measures result in a minimal increase in peak flood flows from the development.
 4. All on-site stormwater detention facilities shall be designed to adequately and safely pass all stormwater inflows, including flood flows and runoff from upstream and adjacent properties that have natural and/or existing overland flows toward and onto the subject tract. The on-site stormwater detention facilities should not impound stormwater onto or cause backwater to inundate any upstream or adjacent properties in excess of existing conditions.

SECTION C ILLICIT DISCHARGES

- (a) It should be unlawful for any person to allow discharges to the City stormwater runoff system that are not composed entirely of stormwater runoff, or to contribute to increased nonpoint source pollution and degradation of receiving waters.
- (b) It shall be unlawful for any person to throw, deposit, empty, drain, discharge, or to permit to be thrown, deposited, emptied, drained or discharged into any creek, or upon its margins, slopes, banks, or stormwater drainage system within the city any garbage,

rubbish, refuse, hair, ashes, cinders, fruit, vegetables, paper, rags, any animal carcass or waste, sewerage, excrement, urine, liquid, or semi-liquid waste from any industry, or any noxious substance or liquid. These non-stormwater discharges may occur due to spills, dumping and improper connections to the city separate storm system from residential, industrial, commercial or institutional establishments. Non-stormwater discharges not only impact waterways individually, but geographically dispersed, small volume non-stormwater discharges can have cumulative impacts on receiving waters. The impacts of these discharges adversely affect public health and safety, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of lands and waters. These impacts can be minimized through the regulation of spills, dumping and discharges into the city separate storm sewer system. Therefore, it is determined that the regulation of spills, improper dumping and discharges to the city storm system is in the public interest and will prevent threats to public health and safety, and the environment.

- (c) No person shall, or allow others under its control, to throw, drain, or otherwise discharge or cause to be discharged into a storm drainage system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drainage system is prohibited except as follows:
1. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
 2. Water line flushing performed by a government agency.
 3. Landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if de-chlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.
 4. Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.

The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

SECTION D ILLEGAL CONNECTIONS

The construction, connection, use, maintenance or continued existence of any illegal connection to the City storm drainage system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. The construction, use, maintenance or continued existence of illicit connections to the storm drainage system is prohibited.

- (a) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to a storm drainage system, or allows such a connection to continue.
- (b) Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the appropriate department or agency.
- (c) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to a storm drainage system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the local enforcement authority requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm drainage system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the local enforcement authority.

ARTICLE 8.0 MONITORING OF DISCHARGES/ACCESS AND INSPECTING PROPERTIES AND FACILITIES

A. Applicability

This section applies to all properties that create stormwater discharges associated with the use of the property.

1. Access to Properties and Facilities

- (a) The City of Petal Board of Aldermen or designated official shall be permitted to enter and inspect properties and facilities subject to regulation under this ordinance at reasonable times and as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force, which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
- (b) Property owners and facility operators shall allow the City of Petal Board of Aldermen access to all parts of the premises for the purposes of inspection, sampling, photographing, videotaping, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
- (c) The Board shall have the right to set up on any permitted property such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.
- (d) The Board has the right to require a discharger to install monitoring equipment as necessary, and perform monitoring and make the monitoring data available to the Board. The sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (e) Any temporary or permanent obstruction that does not allow safe and easy access to the property to be inspected and/or sampled shall be promptly removed by the owner at the written or oral request of the Board or authorized enforcement agency and shall not be replaced. The costs of clearing such access shall be borne by the owner.
- (f) Unreasonable delays in allowing the authorized enforcement agency access to a permitted property is a violation of a stormwater discharge permit and of this ordinance. A person who is the owner of property with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted property for the purpose of conducting any activity authorized or required by this ordinance.

2. If the Board or authorized enforcement agency has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, environment, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

ARTICLE 9.0 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTION BY THE USE OF BEST MANAGEMENT PRACTICES (BMPs)

The Board or their authorized enforcement agency will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drainage system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes

into the municipal storm drainage system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMP's to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMP's shall be part of a Stormwater Pollution Prevention Plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

ARTICLE 10.0 WATERCOURSE OR EASEMENT PROTECTION

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

ARTICLE 11.0 NOTIFICATION OF SPILLS

In the event of a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified. Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity, or operation, or responsible for emergency response for a facility, activity, or operation has information of any known or suspected release of pollutants or non-stormwater materials from that facility or operations which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the City storm drainage system, State water, or Waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release as to minimize the effects of a discharge. In the event of recognition of such a release of hazardous materials said person shall immediately notify the authorized enforcement or emergency response agencies of the occurrence, either in person, by phone, or facsimile no later than 24 hours, of the nature, quantity and time of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Petal Board of Aldermen or authorized enforcement agency within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill. Failure to provide notification of a release as provided above is a violation of this ordinance.

ARTICLE 12.0 VIOLATIONS

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Anyone who has violated or continues to violate the provision of this Ordinance, may be subject to enforcement actions outlined in this section or may be restrained by injunction or otherwise restricted in a manner provided by law. Whenever the Board finds a violation of this ordinance has occurred, the Board may order compliance by written notice of violation.

A. The notice shall contain:

- (1) The name and address of the alleged violator;
- (2) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to restore compliance with this ordinance and time schedule for the completion of such remedial action;
- (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and,

(6) A statement that the determination of violation may be appealed to the Board by filing a written notice of appeal within thirty (30) days of service of notice of violation.

B. Such notice may require:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist. Depending on severity of the violations, offending person(s) may be given as little as 24 hours to clean up sediments, pollutants, etc., and an additional 24 hours to put stormwater controls in place. Otherwise, a stopwork order may be issued.
- (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and
- (5) Payment of a fine or costs to cover administrative, remediation, and/or abatement costs; and
- (6) The implementation of source control, pollution prevention practices, or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

SECTION A VIOLATIONS ENFORCEMENT

In the event a violation constitutes an immediate danger to public health or public safety, the Board is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. After abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The Board is authorized to seek costs of the abatement as outlined in this section. The property owner may file an appeal within 30 days. If the amount due is not paid within a timely manner as determined by the decision of the appropriate authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the City by reason of such violation.

ARTICLE 13.0 PENALTIES AND PROSECUTION

A. CIVIL

In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the local permitting authority shall deem appropriate, after the permitting authority has taken one or more of the actions described above, the local permitting authority may seek any legal or equitable remedy available under the law. The authorized enforcement agency may recover all attorney's fees, court costs, and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

B. CRIMINAL

Violations of this ordinance shall be deemed a misdemeanor. The local permitting authority may issue a citation to the alleged violator requiring such person to appear before the appropriate court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment in the County jail for 60 days, or both. Each violation and each day upon which any violation shall continue, will constitute a separate offense.

C. CRIMINAL PROSECUTION

Any person that has violated or continues to violate this ordinance shall be guilty of a misdemeanor and subject to criminal prosecution to the fullest extent of the law.

D. INJUNCTION

If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

E. ALTERNATIVE ACTION

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In addition to any other remedy, the authorized enforcement agency may impose upon a violator alternative compensatory action; such as storm drain cleaning, attendance at compliance workshops, creek cleanup, etc.

EXHIBIT "G"

SECTION A REMEDIES NOT EXCLUSIVE

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies. The local enforcement authority may recover attorney's fees, court costs, and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

SECTION B VIOLATIONS DEEMED A PUBLIC NUISANCE

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and environment, is declared and deemed a nuisance, and may be summarily abated by injunctive or other equitable relief as provided by law, or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

SECTION C SUSPENSION OF ACCESS TO STORM DRAINAGE SYSTEM(S)

A. Suspension due to Illicit Discharges in Emergency Situations

The Board may, without prior notice, suspend discharge access to a person when such suspension is necessary to stop an actual or threatened discharge, which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the Waters of the United States, or to minimize danger to persons.

B. Suspension due to the Detection of Illicit Discharge

1. Any person discharging to the City drainage system in violation of this ordinance may have their access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its city drainage system access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.
2. A person commits an offense if the person reinstates access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

ARTICLE 14.0 APPEALS

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be filed with the Board of Aldermen. A Hearing on the appeal before the Board of Aldermen shall be set by the Board with at least ten (10) days notice to the violator.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an unsuccessful appeal, then representatives of the authorized enforcement agency may enter upon the subject private property and are authorized to take any

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and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

ARTICLE 15.0 ADOPTION OF ORDINANCE

This ordinance shall be in full force and effect 30 days after its final passage and adoption. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

The above and foregoing Ordinance having been reduced to writing, the same was read and voted upon, first article by article and then upon the Ordinance as a whole.

Those present and voting "AYE" and in favor of the passage, adoption and approval of Articles 1 thru 15 of the foregoing Ordinance:

Alderman Bill Travis
Alderman Steve Stringer
Alderman Joe McMurry, Sr.
Alderman Willie Hinton
Alderman Michael Draughn

Those present and voting "NAY" or against any of said articles of the foregoing Ordinance:

NONE

Those present and voting "AYE" and in favor of the passage, adoption and approval of the Ordinance as a whole:

Alderman Bill Travis
Alderman Steve Stringer
Alderman Joe McMurry, Sr.
Alderman Willie Hinton
Alderman Michael Draughn

Those present and voting "NAY" or against the passage, adoption and approval of the Ordinance as a whole:

NONE

WHEREFORE, the foregoing Ordinance was duly passed, adopted and approved on this the 16th day of November, A.D., 2004.


Tony Phillips, Mayor

(seal)

ATTEST:


Jean Ishee, City Clerk



A PROCLAMATION

**BY THE
GOVERNOR**

WHEREAS, under the provisions of Section 3-3-7, Mississippi Code of 1972, Thanksgiving Day, Christmas Day and New Year's Day are declared legal holidays in the State of Mississippi; and

WHEREAS, Christmas Day of 2004 and New Year's Day of 2005 shall each fall on Saturday; and

WHEREAS, during the Thanksgiving holiday and Christmas season, many state employees will spend time with their families in Mississippi and in other states;

NOW, THEREFORE, I, Haley Barbour, Governor of the State of Mississippi, pursuant to the authority vested in me under the Constitution of the State of Mississippi and applicable statutes of Mississippi, including Section 3-3-7, do hereby authorize the closing of all offices of the State of Mississippi on Monday, December 27, 2004, in observance of CHRISTMAS DAY, and on Monday, January 3, 2005, in observance of NEW YEAR'S DAY.

IN ADDITION, I hereby authorize the closing of all offices of the State of Mississippi, in the discretion of the respective agency heads, on Friday, November 26, 2004, in further observance of the Thanksgiving holiday, on Friday, December 24, 2004, in further observance of the Christmas holiday, and on Friday, December 31, 2004, in further observance of the New Year's holiday.

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

DONE in the City of Jackson, on the 26th day of October in the year of our Lord, two thousand and four, and of the Independence of the United States of America, the two hundred and twenty-ninth.

**HALEY BARBOUR
GOVERNOR**



BY THE GOVERNOR

Eric Clark

SECRETARY OF STATE

EXHIBIT "I"

STATE OF MISSISSIPPI

Office of the Governor



A PROCLAMATION

BY THE
GOVERNOR

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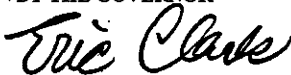
IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Mississippi to be affixed.

SEAL

DONE in the City of Jackson, on the 26th day of October in the year of our Lord, two thousand and four, and of the Independence of the United States of America, the two hundred and twenty-ninth.


HALEY BARBOUR
GOVERNOR

BY THE GOVERNOR



SECRETARY OF STATE

EXHIBIT "J"

STATE OF MISSISSIPPI

Office of the Governor



A PROCLAMATION

BY THE
GOVERNOR

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HALEY BARBOUR
GOVERNOR

BY THE GOVERNOR

SECRETARY OF STATE

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