

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE  
CITY OF SOUTHAVEN, MISSISSIPPI AMENDING THE SOUTHAVEN CODE OF  
ORDINANCES TITLE XIII, CHAPTER 7, SECTION 13-7(c)**

**WHEREAS**, Mississippi Code Section 21-17-5 provides that the City of Southaven ("City") shall have the care, management and control of the municipal affairs and the power to adopt any orders, resolutions or ordinances with respect to such municipal affairs; and

**WHEREAS**, pursuant to Mississippi Code Section 21-37-3, the City has the power to exercise full jurisdiction in the matter of streets; and

**WHEREAS**, pursuant to Mississippi Code 17-1-5, the City has the power to pass zoning regulations within the City; and

**WHEREAS**, the City Police in order to maintain safety and traffic control for the citizens of the City require towing companies and/or wrecker services to respond to accidents for towing purposes within twenty (20) minutes; and

**WHEREAS**, in order to ensure that the wrecker truck can respond within the required 20 minutes, the City desires to allow such wrecker truck to park in residential areas provided that certain criteria is followed; and

**WHEREAS**, the City finds that allowing the wrecker truck to park in a residential area in accordance with the amended ordinance, as set forth below, will allow for the wrecker truck to adequately respond to emergencies within the 20 minutes; thus, allowing for the City Police to better maintain safety on the City streets by eliminating traffic and potential hazards associated with vehicle accidents; and

**NOW, THEREFORE BE IT ORDAINED** BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, THAT RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND THE CITY OF SOUTHAVEN CODE OF ORDINANCES, TITLE XIII, CHAPTER 7, SECTION 13-7(c) BE AMENDED AS FOLLOWS:

**TITLE XIII, CHAPTER 7, SECTION 13-7(c)**

Sec. 13-7(c). - General rules and exceptions.

The requirements in section 13-7(b) are subject to the following general rules and exceptions:

1. In the residential (R) districts, no parking of motor vehicles shall be allowed in any yard with the following exceptions:
  - A. Vehicles may be parked on a paved or concrete driveway.
  - B. Vehicles may be parked between the driveway and the side property line nearest the driveway and on a hard surface (no grassed areas), so long as they do not encroach on neighboring properties and the vehicles is operable and has current motor registration.

No major recreational equipment such as boats and boat trailers, travel trailers, campers, and similar items shall be parked or stored on any street or on any yard in any residential district with the following exceptions:

- A. They may be parked on a paved or concrete driveway provided they are at least twenty (20) feet from the street.

- B. They may be parked between the driveway and the side property line nearest the driveway on a hard surface (no grassed areas), provided they are at least twenty (20) feet from the street and the grass and surrounding property is properly maintained, and provided they do not encroach on neighboring properties and the vehicle is operable and has current motor registration.
  - C. They may be parked in the front yard of a corner lot on a hard surface (no grassed areas), which is to the side of or at the end of the house, provided they are at least thirty (30) feet from the street, provided they do not extend beyond the front of the house and the grass and surrounding property is properly maintained, and provided they do not encroach on neighboring properties and the vehicle is operable and has current motor registration.
- 3. Nonconforming vehicles shall not be parked or stored in any residential zone other than in a completely enclosed garage.
  - 4. No commercial vehicle rated two (2) tons or more, school bus, trailer exceeding fifteen (15) feet in length, tractor or heavy construction equipment shall be parked or stored in any residential zone in the yard, the driveway or the street except for service and delivery purposes. Furthermore, commercial vehicles under two (2) tons are prohibited from being parked on the street or any front yard except on a paved driveway.
- A. Towing or Wrecker companies, which are currently included on the Southaven Police Department wrecker rotation as approved by the Southaven Board of Aldermen and in current compliance with all criteria set forth by the Southaven Police Department for the wrecker rotation may be granted an exception to allow one (1) on call wrecker per company to be parked in residential zones, subject to the following conditions:
    - (1) The towing vehicle/wrecker is classified as a Class A Light Duty Wrecker, which is used for towing vehicles weighing seven thousand (7,000) pounds or less (i.e. passenger cars, pickup trucks, motorcycles, small trailers, and similar vehicles); or
    - (2) The towing vehicle/wrecker is classified as a Conventional Wrecker and meets one of the following criteria:
      - (a) minimum gross vehicle weight rating (GVWR) of not less than ten thousand (10,000) pounds; or
      - (b) individual boom capacity of not less than eight thousand (8,000) pounds as rated by the manufacturer; or
      - (c) individual PTO or hydraulic power winch capacity of not less than eight thousand pounds as rated by the manufacturer; or
      - (d) manufactured wheel-lift with a retracting, lifting capacity of not less than three thousand five hundred (3,500) pounds as rated by the manufacturer; or
    - (3) The towing vehicle/wrecker is classified as a Rollback Wrecker and meets one of the following criteria:
      - (a) minimum gross vehicle weight rating (GVWR) of not less than eleven thousand (11,000) pounds; or

- (b) must have at least an eight thousand (8,000) pound winch as rated by the manufacturer.
  - B. The on call wrecker shall be parked on the residential property in the driveway on a hard surface at all times. At no point shall the wrecker be permitted to park on the street or yard.
  - C. The on call wrecker shall have the Southaven Police Department issued on call permit in clear view at all times while parked in a residential zone.
  - D. The City of Southaven Police Department reserves the right to revoke the exception granted under this section and/or the on call permit issued by the Southaven Police Department if the wrecker service fails to comply with any requirement or policy of the Southaven Police Department or any provision set forth in the City of Southaven Ordinances. In addition, if the on-call vehicle is deemed a nuisance by the City of Southaven and/or three (3) or more contiguous or adjacent land owners where the on call wrecker is parked sign and file a petition with the City Planning Department requesting that the on call wrecker be removed, the on call wrecker shall be removed by the Owner within twenty four (24) hours. In the event that the Owner does not remove the on call wrecker within twenty four (24) hours, the Owner shall be issued a citation in an amount not to exceed Five Hundred Dollars (\$500.00) and the City shall have the right to tow the on call wrecker.
5. If the existing use of a building or structure shall be increased by the addition of dwelling units, gross floor area, seating capacity or any other measure to increase intensity of use, the provisions of this chapter shall only apply to the extent of such increase in use.
6. In computing the number of parking spaces required, the following rules shall govern:
- A. Where fractional spaces result, the parking spaces required shall be the next largest whole number.
  - B. In the case of mixed use, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
7. Required parking lots shall be of a hard surface, asphalt or concrete, properly marked and with adequate circulation area.

**NOW, THEREFORE BE IT ORDERED** pursuant to Miss. Code 21-13-11, the City Clerk shall provide notice of the adoption of the Ordinance in the *Desoto Times* for one (1) time.

**NOW, THEREFORE BE IT ORDERED** pursuant to Miss. Code 21-13-11, this amended Ordinance shall take effect one (1) month after passage.

Following the reading of the foregoing Resolution, Alderman Gallagher made the motion and Alderman Wheeler seconded the motion for its adoption. The Mayor put the question to a roll call vote, and the result was as follows:

Alderman William Brooks  
Alderman Kristian Kelly  
Alderman Ronnie Hale  
Alderman George Payne  
Alderman Joel Gallagher  
Alderman John Wheeler  
Alderman Raymond Flores

voted: YES  
voted: YES  
voted: ABSENT  
voted: YES  
voted: YES  
voted: YES  
voted: YES

Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 5<sup>th</sup> of December, 2017.

**CITY OF SOUTHAVEN, MISSISSIPPI**

**BY:** \_\_\_\_\_  
**DARREN MUSSELWHITE, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**