

TOWN OF TISHOMINGO

COMPREHENSIVE LAND USE REGULATION AND ZONING ORDINANCE

AN ORDINANCE ESTABLISHING COMPREHENSIVE LAND USE AND ZONING REGULATIONS FOR THE TOWN OF TISHOMINGO, MISSISSIPPI, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, the Town of Tishomingo is authorized and empowered pursuant to Section 17-1-3, et seq., of the Mississippi Code of 1972, as amended, for the purpose of promoting health, safety, morals, and the general welfare of the community, in its discretion, to regulate the height, number of stories and size of building and other structures, the percentage of lot that may be occupied, the size of the yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes; and, empower the town to enact a zoning ordinance and to provide for its administration, enforcement, and amendment.

WHEREAS, the Mayor and Board of Aldermen deem it necessary, for the purpose of promoting the health, safety, morals, and general welfare of the town, to enact such an ordinance; and,

WHEREAS, the Mayor and Board of Aldermen have divided the town into districts and have prepared, pertaining to such districts, regulations designed to lessen congestion in the

streets; to ensure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to avoid declination in value within districts; to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements; and,

WHEREAS, the Mayor and Board of Aldermen have given reasonable consideration, among other things, to the character of the districts and their suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the town; and

WHEREAS, the Mayor and Board of Aldermen have given due public notice of hearings relating to zoning districts, regulations, and restrictions, and have held such public hearings in accordance with the requirements of Section 17-1-3 Mississippi Code of 1972, et seq. as amended and recompiled; and,

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF TISHOMINGO, MISSISSIPPI:

ARTICLE I

ZONING DISTRICTS AND MAP

100. Districts

In order to classify, regulate, and restrict the use and location of buildings designed for

specified uses; to regulate and limit the height and bulk of buildings; to regulate and determine the area of yards, courts, and other open spaces surrounding buildings; and to regulate and limit the density of population, the Town of Tishomingo, Mississippi, is divided into eight (8) zoning districts. The use and area regulations are uniform in each district and said districts shall be known as:

- R-1 Central Residential District
- R-2 Single Family Residential District
- R-3 Multi-family Residential District
- C-1 Central Commercial Business District
- C-2 General Commercial District
- I-1 Light Industrial District
- I-2 (Reserved)
- A-1 Agricultural District

101. Map

101.01 The boundaries of these districts are hereby established as shown on the Official Zoning Map of the Tishomingo, Mississippi. Said zoning map and all notations, references, and other matters shown thereon shall be and hereby made a part of this ordinance. Said zoning map shall be and shall remain on file in the City Clerk's office, and the initial map consists of two pages.

101.02 Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the Official Zoning Map which shall be located in the City Clerks's office shall be final authority as to the current zoning status of land, buildings, and other structures within the Town of Tishomingo.

101.03 In the event the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the number of changes or additions, the Mayor and Board of Aldermen may, by ordinance, adopt a new Official Zoning Map and also stating the date of adoption of the new map.

102. District Boundaries

102.01 Except where referenced and noted on the zoning map by a designated line and/or dimensions, the district boundary lines are intended to follow property lines, lot lines, or centerlines of streets, alleys, streams, or railroads as they existed at the time of the passage of this ordinance, or the extension of such lines.

102.02 The Zoning Administrator shall interpret the boundary lines on the zoning map. When the Zoning Administrator's interpretation is disputed, the boundary lines shall be determined by the Mayor and Board of Aldermen.

103. Annexation

103.01 Any territory hereafter annexed to the Town of Tishomingo shall be in the A-1 District unless the Mayor and Board of Aldermen rezone it at the time of annexation.

ARTICLE 11

GENERAL PROVISIONS

200. Required Conformance

200.01 Except as hereinafter specifically provided:

200.01-01 No land shall be used except for a purpose permitted in the district

in which it is located.

200.01-02 No structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any structure be used except for a use permitted in the district in which it is located.

200.01-03 No structure shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height established for the district in which the structure is located.

200.01-04 No structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any structure be used except in conformity with the area regulations of the district in which the structure is located.

200.01-05 No structure shall be erected, enlarged, moved, or structurally altered except in conformity with the off-street parking and locating regulations of this ordinance.

200.01-06 The minimum yards, frontage, parking spaces, and open spaces, including lot area or per family, required by this ordinance for every structure existing at the time of the passage of this ordinance or for any structure hereafter erected or structurally altered shall not be encroached upon or be considered as part of the yards, frontage, parking spaces, or open spaces required for any other structures.

200.01-07 No structure shall be constructed, enlarged, reconstructed, or materially altered without first obtaining a building permit, and no building permit shall be issued except within strict conformance with the provisions of this ordinance.

201. Nonconforming Uses

201.01 Any lawful use existing at the time of the effective date of this ordinance, except as hereinafter specified, may be continued although such use does not conform to the provisions of the ordinance.

201-01-01 The Mayor and Board of Aldermen may permit substitution of a new nonconforming use for an existing nonconforming use, provided that the Mayor and Board of Aldermen determine that any change of use will be less detrimental to the neighborhood than the existing use.

201.02 A nonconforming use of a building or premises that have been abandoned shall not thereafter be returned to a nonconforming use. A nonconforming use shall be considered abandoned whenever any one of the following conditions exists:

201.02-01 When the nonconforming use has been discontinued for six (6) months, except for reasons beyond the owners control, or when the nonconforming use has been replaced by a conforming use, or when the nonconforming use has been changed to a special exception use by permit from the Mayor and Board of Aldermen.

201.03 Notwithstanding other provisions of this ordinance, certain nonconforming building or land uses, after ordinance is enacted into the law, shall be discontinued, and/or shall be torn down, altered, or otherwise made to conform with this ordinance within the periods of time set forth below. Upon application to the Mayor and Board of Alderman, the board, either according to general rule or upon findings in the specific case, may permit only one (1) extension for not more than the time indicated below:

201.03-01 Wrecking, junk, scrap, or salvage yards, automotive storage yards

and other open uses of land; shall be discontinued within six (6) months with an extension permitted of six (6) months. Nonconforming fences and hedges impeding vision at intersections shall be discontinued within six (6) months with an extension permitted of three (3) months.

201.03-02 Notice shall be sent by the Mayor and Board of Aldermen to all nonconforming users stating wherein they do not conform to said ordinance and stating the date by which they must either comply or cease to exist. The date by which they must either comply or cease to exist shall be measured from the date of enactment of this ordinance and shall be observed regardless of whether notice of nonconformity is sent by the Mayor and Board of Aldermen or received by the affected owner.

201.04 Except as hereafter specifically provided no nonconforming use shall be enlarged, extended, reconstructed, or structurally altered, except when required by law or ordinance.

201.04-01 Repairs and maintenance work as required to keep it in sound condition may be made to a nonconforming structure.

201.04-02 No nonconforming structure shall be moved in whole or part to any other location unless such structure and the yard and other open spaces provided are made to conform to all regulations of the district in which such structure is to be located.

201.04-03 The reconstruction of a nonconforming use which has been damaged by fire, explosion, or act of God to the extent that the repairs exceed sixty (60) percent of its value is not allowed.

201.04-04 Any single family residential structure that is owner occupied which is nonconforming due to location in a C-1 or I-1 District may be enlarged, extended, reconstructed, or structurally altered, provided it meets with the yard, setback, and area requirements of the R-1 District.

201.04-05 All existing lots of record, which at the time of adoption or amendment of this ordinance become nonconforming lots in regard to lot area or width, and which are under single ownership and of continuous frontage with other lots under the same ownership, may be used for any permitted use in the district in which they are located. The owner of such lot shall apply to the Mayor and Board of Aldermen for a variance from the district regulations, and he shall make every effort to comply with the district regulations. A variance from the district regulations shall not allow any use of property other than for permitted uses within the district. If two (2) or more lots or combinations of lots or portions of lots with continuous frontage and under single ownership are of record at the time of adoption or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot area or lot width, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance. No portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width or lot area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with a width or an area below the requirements stated in this ordinance.

202. Accessory Buildings and fencing

202.01 Accessory buildings shall be subject to the following requirements:

202.01-01 An accessory Building shall only be erected in a rear yard, and shall to the extent possible match the color and roof composition of the structure to which it is an accessory.

202.01-02 No accessory building shall be erected closer than five (5) feet from the lot line or another building.

202.02 No fence shall extend past the front of the structure.

203. Pending Applications for Building Permits

203.01 Nothing in this ordinance shall require any change in the overall layout, plans, construction, size, or designated use of any development, structure, or any part thereof for which official approvals and required building permits have been legally granted before the enactment of this ordinance. Construction, conforming with such plans, shall have been started within six (6) months of the effective date of this ordinance and completed in a normal manner within a subsequent two (2) year period and not discontinued until completion except for reasons beyond the builders control. All permits for which construction has not begun within six (6) months of the effective date or amendment of this ordinance are hereby revoked and void.

204. Prohibited Uses

204.01 Within the Town of Tishomingo, Mississippi, no lot, land, premises, place, or building shall be used, and no structure shall be erected or placed, which is arranged, intended, or designed to be used for any of the following uses:

204.01-01 Slaughterhouses; distillation of bones; manufacture or storage of explosives, fireworks, or gunpowder; petroleum production; pryoxylin or celluloid

manufacture, or manufacture of explosive or inflammable pyroxylin products; stockyards; manufacture or industrial use of sulphurous, sulfuric, nitric, hydrochloric, or other corrosive or offensive acids; tanning, curing, or storage of raw hides or skins; or similar dangerous or noisome uses. However, temporary structures for the sale of fireworks may be erected with proper permit in commercial districts three weeks prior to and one week after the following holidays: Fourth of July and New Years day

205. Street Frontage Required

205.01 Except as permitted by other provisions of this ordinance, all lots created after the adoption of this ordinance shall have frontage on a public street.

206. Set Back Lines

206.01 Lot Areas and Set back lines for structures within the districts are as follows:

206.01-01 Within the R-1 and R-2 Districts, the total area of the lot shall be not less than 6,000 square feet and shall follow to the extent possible along Platted lot lines; the front of the dwelling shall not be less than ten (10) feet from the street right-way; no dwelling or other structure shall be placed within five (5) feet of any side lot line, nor within seven (7) feet of the rear lot line.

206.01-02 Within the C-1 District the lot shall consist of an area of not less than 2,500 square feet and shall follow to the extent possible along Platted lot lines; there is no set back from front lot lines; and A) no structure may be placed within ten (10) feet of the side lot lines, (which would require combining more

than one platted lot), except in the event of a corner lot which is not required to have a set back from a street, but does as to the opposite lot line; or, B) there shall be no set back from lines if the structure meets the following criteria: constructed of brick, stone, or cement with metal, slate, tile or gravel roofs.

206.01-03 Within the C-2 District the lot shall consist of an area of not less than 10,000 square feet, and there shall be a set back of thirty(30) feet from the front lot line and ten (10) feet from the side and rear lot lines, however, if the lot joins an open dedicated public alley, there shall be no set back in the rear.

206.01-04 Within the I-1 District, the lot size shall be not less than 22,000 square feet and there shall be a set back of thirty(30) feet from the front lot line and twenty (20) feet from the side and rear lot lines.

206.01-05 Within the A-1 district, the lot size shall not be less than two acres, and there shall be a set back of thirty (30) feet from the front lot line and twenty (20) feet from the side and rear lot lines.

206.02 Lots formed at the intersection of two (2) streets shall not be required to provide two (2) front yard setbacks. On only one (1) side abutting either street shall the front setback be required; on the remaining side, a setback of one-half ($\frac{1}{2}$) the otherwise required setback shall be provided.

207. Off-Street Parking

207.01 In connection with every commercial, business, trade, institutional, recreational, residential, or other use, off-street parking space for parking and storage of vehicles shall be provided in accordance with the following schedule:

- 207.01-01 Dwelling units-One (1) spaces per family or dwelling unit.
- 207.01-02 Retail stores-One Hundred (100) percent of the gross floor area.
- 207.01-03 Wholesale establishments-One (1) space per two (2) employees.
- 207.01-04 Manufacturing, processing, and industrial establishments-One (1) space per two (2) employees.
- 207.01-5 Hotels, motels, tourist houses, and lodging houses-One (1) space per guest room plus one (1) space per two (2) employees.
- 207.01-06 Hospitals or medical clinics-One (1) space per three (3) beds plus one (1) space per two (2) employees.
- 207.01-07 Restaurants and other eating establishments-One (1) space per three (3) seats.
- 207.01-08 Churches-One (1) space per six (6) seats in the principal assembly hall.
- 207.01-09 Business and professional offices-One Hundred (100) percent of the gross floor area.
- 207.01-10 Theaters-One (1) space per four (4) seats.

207.02 In case of any structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar shall apply as determined by the Mayor and Board of Aldermen.

207.03 The parking space provision herein shall not apply to businesses in the Central Commercial Business District (C-1) that are constructed facing Main Street.

ARTICLE III

DISTRICT REGULATIONS

300. R-1 Central Residential District

300.01 The R-1 Central Residential District is hereby created and consists primarily of the original residential lots as platted by the Tishomingo Townsite Company titled “City of Tishomingo” on file in the Office of the Chancery Clerk of Tishomingo County. It is exclusively reserved for single-family residential purposes. The district regulations have been written and the district’s location on the official zoning map has been drawn for the purpose of preserving the quality of life, aesthetic appearance, health, safety and economic value of other properties in the District. The Central Residential District is unique to other residential districts primarily due to lot size and street layout. When developed according to the regulations so stated, these areas will constitute sound residential development and add to the quality of the housing within Tishomingo. It is the intent of this section that new residential development in these areas be regulated according to sound, reasonable, and desirable regulations as stated within this ordinance.

300.02 The following uses are permitted in the R-1 District:

300.02-01 Single-family detached dwellings.

300.02-02 Churches and other places of worship, not including funeral chapels.

300.02-03 Public parks, schools, playgrounds, recreational and community buildings, and grounds of a noncommercial nature.

300.03 The following uses may be permitted in the R-1 District only as special exceptions authorized by the Mayor and Board of Alderman, and subject to any limitations and restrictions deemed necessary by the Mayor and Board of Aldermen:

300.03-01 Private, noncommercial recreational areas and facilities such as

swimming pools and tennis courts.

300.03-02 Structures and installations that are necessary public facilities and utilities and require location in the R-1 District.

300.03-03 Customary home occupations, provided they meet the definition in Article VI.

300.03-04 Tourist Homes

300.04 Accessory uses or structures customary and incidental to any aforesaid permitted uses shall be allowed, provided they do not involve any type of business, trade, manufacturing, or industry.

300.05 The only signs permitted in the R-1 District shall be as follows:

300.05-01 One (1) sign not exceeding twenty (20) square feet for any church, school, or other public or semipublic institution. In the case of double-faced or V-type signs, only one (1) face shall be used in computing the area.

300.05-02 One (1) temporary, unlighted real estate sign that advertises the sale or rental of the premises on which it is maintained, does not exceed a total area of nine (9) square feet, and is located at least six (6) feet from all street right-of-way lines, or flat against the building.

300.05-03 One (1) unlighted sign advertizing a home occupation made white painted wood or metal, with black lettering ten (10) inches vertical by sixteen (16) inches horizontal posted on a black metal stake two (2) feet from the road right of way and not to exceed forty-two (42) inches in height.

300.05.04 Signs advertising Yard Sales shall not be allowed to remain posted longer than 72 hours.

300.05.05 No sign of any type shall be posted on any pole, guy wire, tree, or traffic sign posts.

300.06 Off-street parking space shall be as provided in Section 207.

300.07 Area, yard, and height requirements shall be as prescribed in Section 206.

300.08 Platted lots within the Central Residential District may be combined to create a larger lot for building and lot line requirements herein.

300.08 No Platted lot shall be divided into a smaller lot. However, a Platted lot may be divided and added to adjacent lots to create a larger building lot.

300.09 Mobile homes or factory manufactured housing are not permitted within the Central Residential District.

301. R-2 Single Family Residential District

301.01 The R-2 Single Family Residential District is hereby created in order that there be areas within the Town of Tishomingo, Mississippi, exclusively reserved for single-family residential purposes. The district regulations have been written and the district's location on the official zoning map has been drawn for the purpose of guiding new residential development in areas which are vacant at the time of adoption of this ordinance. When developed according to the regulations so stated, these areas will constitute sound residential development and add to the quality of the housing within Tishomingo. It is the intent of this section that new residential development in these areas be regulated according to sound, reasonable, and desirable regulations as stated within this ordinance.

301.02 The following uses are permitted in the R-2 District:

301.02-01 Single-family detached dwellings.

301.02-02 Churches and other places of worship, not including funeral chapels.

301.02-03 Public parks, playgrounds, recreational and community center buildings, and grounds of a noncommercial nature.

301.03 The following uses may be permitted in the R-2 District only as special exceptions authorized by the Mayor and Board of Alderman, and subject to any limitations and restrictions deemed necessary by the Mayor and Board of Aldermen:

301.03-01 Private, noncommercial recreational areas and facilities such as swimming pools and tennis courts.

301.03-02 Structures and installations that are necessary public facilities and utilities and require location in the R-1 District.

301.03-03 Customary home occupations, provided they meet the definition in Article VI.

301.03-04 Mobile Homes or other factory manufactured homes, provided that they are at least twenty-four (24) feet wide; at least forty (40) feet long; have a roof pitch of not less than 4:12; have an asphalt shingle roofing material or standing metal seam; the wheels, axles and tongue removed; are permanently affixed to the real property; and, have masonry underpinning.

301.04 Accessory uses or structures customary and incidental to any aforesaid permitted uses shall be allowed, provided they do not involve any type of business, trade, manufacturing, or industry.

301.05 The only signs permitted in the R-2 District shall be as follows:

301.05-01 One (1) sign not exceeding twenty (20) square feet for any church, school, or other public or semipublic institution. In the case of double-faced or V-type signs, only one (1) face shall be used in computing the area.

301.05-02 One (1) temporary, unlighted real estate sign that advertises the sale or rental of the premises on which it is maintained, does not exceed a total area of nine (9) square feet, and is located at least six (6) feet from all street right-of-way lines, or flat against the building.

301.05-03 One (1) unlighted sign advertizing a home occupation that does not exceed a total area of nine (9) square feet, and is located at least six (15) feet from all street right-of-way lines, or flat against the building.

301.05-04 Signs advertising Yard Sales shall not be allowed to remain posted longer than 72 hours.

301.05-05 No sign of any type shall be posted on any pole, guy wire, tree, or traffic sign posts.

301.05-06 Any sign permitted in the R-1 District shall be permitted in the R-2 District.

301.06 Off-street parking space shall be as provided in Section 207.

301.07 Area, yard, and height requirements shall be as prescribed in Section 206.

302. R-3 Medium Density Residential District

302.01 The R-3 Medium-Density Residential District is hereby created in order that certain areas within the Town of Tishomingo be developed with new Multi-family dwellings, or

that older structures be converted to multi-family uses, rooming houses, tourist houses, or group dwellings.

302.02 The following uses are permitted in the R-3 District:

302.02-01 Any use or structure permitted in the R-2 District, but subject to the requirements thereof.

302.02-02 Two (2) multi-family dwellings, or apartments.

302.02-03 Rooming houses, tourist homes, and apartment houses.

302.03 The following uses shall be permitted only as special exceptions authorized by the Mayor and Board of Aldermen, and shall be subject to any limitations and restrictions deemed necessary by the board:

302.03-01 Any uses as regulated in the R-2 District, but subject to the requirements thereof.

302.04 Any accessory use or structure permitted in the R-2 District shall be permitted in the R-3 District.

302.05 Any sign permitted in the R-1 or R-2 Districts shall be permitted in the R-3 District, subject to the regulations thereof.

302.06 Off-street parking space shall be as prescribed in Section 207.

302.07 Area, yard, and height requirements shall be as prescribed in Section 206.

303. C-1 Central Commercial Business District

303.01 The C-1 Central Commercial Business District is hereby created in order that there be one (1) central area of retail commercial uses that will constitute the central business district of the town, and such shall remain as the major wholesaling and retailing center of the town. The

Central Commercial Business District consists primarily of the original commercial lots platted by the Tishomingo Townsite Company titled "City of Tishomingo" on file in the Office of the Chancery Clerk of Tishomingo County. It is the intent of this ordinance that the C-1 District not be encroached upon by other commercial or industrial uses that are incompatible with existing and future retail businesses located within the central business district of the town.

303.02 The following uses are permitted in the C-1 District:

303.02-01 Department stores, dry goods and apparel stores, mail order houses, variety and dime stores, art or antique shops, furniture and appliance stores, self-service laundries, dry cleaning shops, hardware stores, shoe stores, business offices, specialty shops, medical and professional offices, drugstores, and similar retail establishments.

303.02-02 Food store, restaurants, delicatessens, and similar establishments.

303.02-03 Commercial printing establishments, newspaper publishing, and specialty printing, provided the business is in an enclosed building and does not require outside storage of materials or products and is not objectionable by reason of smoke, noise, dust, odor, cinders, vibration, fumes, glare or light.

303.03 The following uses shall be permitted only as special exceptions authorized by the Mayor and Board of Aldermen, and shall be subject to any limitations and restrictions deemed necessary:

302.03-01 Any retail or wholesale business or service establishment which the Mayor and Board of Aldermen determine to be of the same character and nature as those specifically allowed, such as gasoline filling stations, carpenter shops, electrical shops, and plumbing establishments.

303.04 Accessory structures and uses customary and incidental to any of the foregoing permitted uses and not otherwise prohibited shall be allowed.

303.05 Off-street parking is not required in the C-1 District.

303.06 Area, yard, and height requirements shall be as specified in Section 206.

303.07 Signs within the C-1 District shall be attached flat against the building or on or

under an awning, and shall not project beyond the awning.

304 C-2 General Commercial District

304.01 The C-2 General Commercial District consists primarily of low to medium density commercial properties which require distinct traffic flow and parking issues. The General Commercial District lies primarily along the major arterial roadways into town. It is the intent of this ordinance that the C-2 District not be encroached upon by other commercial or industrial uses that are incompatible with existing and future retail businesses located within the General business district of the town.

304.02 The following uses are permitted in the C-2 District:

304.02-01 Department stores, dry goods and apparel stores, mail order houses, variety and dime stores, art or antique shops, furniture and appliance stores, self-service laundries, dry cleaning shops, hardware stores, shoe stores, business offices, specialty shops, medical and professional offices, drugstores, and similar retail establishments.

304.02-02 Motion picture theaters, studios, bowling alleys, and similar entertainment establishments.

304.02-03 Food store, restaurants, delicatessens, and similar establishments.

304.02-04 Commercial printing establishments, newspaper publishing, and specialty printing, provided the business is in an enclosed building and does not require outside storage of materials or products and is not objectionable by reason of smoke, noise, dust, odor, cinders, vibration, fumes, glare or light.

304.02-05 Retail Shopping Centers and other retail business developments that include more than one retail establishment. Provided that a site plan be submitted to the Mayor and Board of Aldermen for approval. The site plan shall show the location of all proposed buildings and parking areas; means of ingress, egress and street access; and, plans and specifications for storm drainage and utilities.

304.02-06 Gasoline Service Stations automotive repair and sales and convenience stores.

304.02.07 Wrecking yards, junk yards, salvage yards and similar land uses are prohibited in the C-1 district.

304.03 The following uses shall be permitted only as special exceptions authorized by the Mayor and Board of Aldermen, and shall be subject to any limitations and restrictions deemed necessary:

304.03-01 Any retail or wholesale business or service establishment which the Mayor and Board of Aldermen determine to be of the same character and nature as those specifically allowed, such as gasoline filling stations, carpenter shops, electrical shops, and plumbing establishments.

304.04 Accessory structures and uses customary and incidental to any of the foregoing permitted uses and not otherwise prohibited shall be allowed.

304.06 Area, yard, and height requirements shall be as specified in Section 206.

304.07 Signs

- 304.07.01 Any Sign permitted in the C-1 district shall be allowed in the c-2 district.
- 304.07.02 Other Lighted Permanent signs are permitted so long as it is a backlit plastic or glass sign, or a sign lit by external lights focused only on the sign and is located on the premises of the business.
- 304.07.03 If the building of any business is located more than seventy-five (75) feet from the road right of way it faces, then one sign identifying the business by name and address only not exceeding twenty square feet in area may be placed within fifteen feet of the Highway right of way located on the premises of the business.

305. I-1 Light Industrial District

305.01 The I-1 Light Industrial District is hereby created in order that there be areas within the Town of Tishomingo used exclusively for industry, manufacturing, processing, and related operations, and which are incompatible with the residential areas, but make for a transition from commercial areas to other industrial areas of the town. It is the intent of this ordinance that these areas be reserved exclusively for industrial and related purposes.

305.02 Any industrial, manufacturing, or processing establishment that does not involve excessive noise dust or odor; that does not involve excessive transportation truck traffic; and is totally enclosed within a building(s), including its raw materials; and not otherwise prohibited in Section 204 or Section 305.04 shall be allowed. It is the intention herein that the Light Industrial district include only those industries that store and process all materials and end

products within its buildings.

305.03 Accessory uses and structures customary and incidental to any permitted use shall be allowed.

305.04 No structure located within the I-1 District shall be used for any type of dwelling unit, tourist home, rooming house, or group dwelling.

305.05 Off-street parking shall be as prescribed in Section 207.

305.06 Area, yard, and height requirements shall be as prescribed in Section 206.

305.07 Any sign allowed in the C-1 District shall be allowed in the I-1 District.

305.08 The storage and processing of materials outside of an enclosed building are prohibited in the I-1 District.

306. Reserved

307. A-1 Agricultural District

307.-01 The A-1 Agricultural District is hereby created in order that there be an area in the Town of Tishomingo for the agricultural, horticultural, and other such similar uses which require few, if any, of the regular services required by uses in other districts. It is the purpose of this district to encourage and protect such uses from urbanization until such is warranted and the appropriate change in district classification is made.

307.02 The following uses are permitted in the A-1 Agricultural District:

307.02-01 Dwellings, single-and two (2) family.

307.02-02 All forms of agriculture and forestry.

307.02-03 Sale of products that are raised, produced, and processed on the premises.

307.02.04 Nurseries and greenhouses.

307.02.05 Stables and riding academies.

307.02-06 Golf courses and country clubs.

307.03 The following uses are permitted by special exception only, in the A-1

Agricultural District:

307.03-01 Cemeteries.

307.03-02 Funeral homes.

307.03-03 Preschools, including nursery schools and kindergartens, which provide a minimum of thirty (30) square feet of usable indoor space per child, sixty-five (65) square feet of usable outdoor play space per child, and meet any other requirements which the State of Mississippi or Mayor and Board of Aldermen may deem necessary for such schools in this district.

307.03-04 Institutions for children or the aged, not including penal or correctional types.

307.04 Off-Street parking shall be as prescribed in Section 207.

307.05 Area, yard, and height requirements shall be as prescribed in Section 306.

307.06 Reserved

307.07 Signs allowed in any other district shall be allowed in the A-1 District.

308. (Reserved)

TABLE

ARTICLE IV

ENFORCEMENT AND ADMINISTRATION

400. Purpose

400.01 This ordinance is enacted to promote the public health, safety, convenience, comfort, prosperity, and general welfare; to conserve and protect property and property values; to ensure the most appropriate use of land; to control the density of population; to prevent undue traffic congestion; to provide a method of enforcement and administration; and to prescribe penalties for violations.

401. Interpretation and conflict

401.01 In interpreting and applying this ordinance, its provisions shall be held to be the minimum requirements necessary for the promotion of public safety, health, convenience, comfort, prosperity, and general welfare. This ordinance is not intended to interfere with or annul any easements, covenants, or other agreements between parties unless they violate this ordinance. When two (2) specific provisions of this ordinance conflict, or a provision of this ordinance conflicts with any other code, statute, law, ordinance, or regulation, the most restrictive section shall apply.

402. Enforcement by Zoning Administrator

402.01 There hereby established the office of Zoning Administrator. It shall be the duty of the Zoning Administrator to enforce this ordinance in accordance with the provisions hereof. The Zoning Administrator shall issue all building permits. All departments, officials, and public employees of the Town of Tishomingo vested with the duty or authority to issue other permits or licenses, shall conform to the provisions of this ordinance and shall not issue a permit for any use,

building, or purpose in conflict with the provisions of this ordinance. Any permit or license issued in conflict with the provisions of this ordinance shall be null and void.

403. Duty of Zoning Administrator

403.01 The Zoning Administrator shall act upon all applications on which he is authorized to act by the provisions of this ordinance within seven (7) days after they are filed in full compliance with all the applicable requirements as specified in Section 404. He shall either issue a building permit within said seven (7) days or shall notify the applicant in writing of his refusal of such permit and the reasons therefor. Failure to notify the applicant of refusal within seven (7) days shall entitle the applicant to submit his request to the Mayor and Board of Aldermen.

404. Filing Plans for Building Permits

404.01 No Structure may be erected, modified or renovated without a Building Permit. Every application for a building permit shall be accompanied by a scale drawing in duplicate showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the location, size, and height of any existing or proposed structure or part thereof; the number of families, employees, customers, or housekeeping units the building is designed to accommodate; and, when no buildings are involved, the locations of the present use and proposed use to be made of the lot, and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this ordinance.

404.02 The application for the permit is necessary to insure compliance with this and other Ordinances that may from time to time be enacted and to prevent encroachment onto existing utilities and such permit will not be rejected if the plans reflect compliance and there are no encroachment.

404.02 There Mayor and Board of Aldermen may establish a reasonable fee for the Application and Permit.

405. Powers, Interpretation

405.01 Upon appeal of a decision by the Zoning Administrator, the Mayor and Board of Aldermen shall have the power to decide any question involving the interpretation of the Zoning text or map, as follows:

405.01-01 In case there is a question as to the intended meaning of any provision of the zoning text, the Mayor and Board of Aldermen may interpret its meaning as it applies to a particular property. Before reaching a decision in response to any request, the Mayor and Board of Aldermen may obtain the opinion of the Town Attorney thereon.

45.01-02 Where the street or lot layout actually on the ground or as recorded differs from the street and lot lines as shown on the zoning map, the Mayor and Board of Aldermen shall interpret the map in such a way as to carry out the intent and purpose of this ordinance for the particular section or district in question.

406. Powers, Special Exceptions

406.01 The Mayor and Board of Aldermen shall have the power and original jurisdiction to hear and decide, in accordance with the provisions of this ordinance, applications filed as hereinbefore provided for special exceptions. In considering an application for a special exception, the Mayor and Board of Aldermen shall give due regard to the nature and condition of all adjacent uses and structures and the consistency therewith of the proposed used and development. Before authorizing a use as a special exception, the Mayor and Board of Aldermen shall determine whether the proposed exception or use would be hazardous, harmful, noxious, offense, or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, increased transportation and traffic, and unaesthetic and damaging psychological effects. Upon authorizing a use by special exception, the Mayor and Board of Aldermen may impose such requirements and conditions with respect to location, construction, maintenance, and operation, in addition to those expressly stipulated in this ordinance for the particular special exception, as the Mayor and Board of Aldermen may deem necessary for the protection of adjacent properties and public interest.

407. Powers, Variances

407.01 The Mayor and Board of Aldermen shall have the power to authorize such variances from the provisions or requirements of this ordinance as will not be contrary to the public interest, but only in the case of peculiar conditions involving irregular, abnormally narrow, shallow, or steep lots, or other unusual physical conditions, whereby strict application of such provisions or requirements would result in practical difficulty and unnecessary hardship depriving the owner of the reasonable use of the land or buildings involved. No variance from the strict

application of any provision of this ordinance shall be granted by the Mayor and Board of Aldermen unless they find, beyond reasonable doubt, that all the following facts and conditions exist:

407.01-01 Special conditions and circumstances exist peculiar to the land or structure involved and not applicable to other lands or structures within the same district.

407.01-02 Literal Interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

407.01-03 The special conditions and circumstances do not result from the actions of the applicant.

407.01.04 Granting the variance requested will not confer on the applicant any privilege denied by this ordinance to other lands or structures in the same district.

407.01.05 Granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

408. Powers, General

408.01 In exercising their powers, the Mayor and Board of Aldermen, in conformity with the provisions of statute and this ordinance, may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as in their judgment ought to be made, and to that end shall have all powers of the office from which the appeal is taken.

409. Expiration of Special Exception and Variance Permits

409.01 Every special exception permit or variation of the application of the literal provisions of this ordinance, allowed or granted, as provided in this article, shall expire and be of no force or effect after six (6) months from the date thereof, unless the beneficiary of the variation or special exception permit shall have actually, within said period, put the subject property to the purpose for which the variation or special exception permit shall have been granted or allowed.

ARTICLE V

AMENDMENTS

500. Amendment Procedure

500.01 Whenever justified or required by the public necessity, convenience, general welfare, or good zoning proactive, and after public hearing, the Mayor and Board of Aldermen may, by ordinance, amend the regulations set forth in this ordinance for the zoning districts and the official zoning map in accordance with the procedure stated in this section.

500.01-01 The Mayor and Board of Aldermen may, upon their own motion, propose and hear amendments to the district boundaries or to the text of this ordinance. Any person owning or occupying real estate may petition the Mayor and Board of Aldermen to amend the boundaries of the district in which such real estate is located or on which such real estate abuts.

500.01-02 The Mayor and Board of Aldermen shall hold one (1) public

hearing thereon, notice of which shall be given in a newspaper of general circulation in the Town of Tishomingo at least fifteen (15) days prior to such hearing, which notice shall state the time, place, and purpose of such hearing. If there is no local newspaper published in such municipality, then the ordinance shall be published in a newspaper within the county having general circulation in said municipality; or if there be no newspaper published in or having general circulation in same, then in any newspaper in the State of Mississippi having general circulation in said county; and all of same shall be done before such ordinance shall be effective.

500.01-03 Any area for which an application for a change in zoning classification is being considered shall be posted for at least fifteen (15) days prior to the hearing. Posting shall be by means of a sign or signs erected in a conspicuous location on the property, using at least one (1) sign for every two hundred (200) feet of frontage on each street upon which the property abuts. The sign shall be at least two (2) feet by three (3) feet in size, with the lower edge of the sign at least three (3) feet above ground level, and shall have letters legible from the nearest street as follows:

PUBLIC NOTICE

This property is being considered for REZONING. For further information contact the Zoning Administrator, Town Hall, Tishomingo, Mississippi, 662-438-6402

500.01-04 In the event of written protest against such amendment signed by twenty (20) percent or more of the owners of property either within the area to be rezoned, or within one hundred sixty (160) feet therefrom, such amendment shall not become effective except by the favorable vote of two-thirds (2/3) of all the members of the Board of Aldermen.

500.02 If such amendments are made to the text of the zoning ordinance, the text of the zoning ordinance shall promptly reflect such amendment. In the event the official zoning map is amended, such amendment shall promptly be entered on the official zoning map with an entry stating the date of the amendment, a brief statement of the nature of the amendment, and the signature of the Mayor. Such amendments to the official zoning map or the text of the zoning ordinance shall not become effective until they have been entered in the text or upon the map.

501. Application Fees

501.01 At the time of filing either an application for change in the district boundaries on the official zoning map, or an application to amend the text of the zoning ordinance, there shall be deposited with the Town clerk the sum of One Hundred (\$100.00) dollars to cover investigation, legal notices, and other expenses incidental to the determination of such matter.

ARTICLE VI

DEFINITIONS

600. Definitions

600.01 Certain words and phrases used in this ordinance are defined for the purpose thereof as follows: Words used in the present tense include the future tense; the singular number includes the plural, and the plural includes the singular; the Word “person” includes a corporation as well as an individual; the Word “lot” includes the word “plot”; the word “structure” includes the word “building”; the word “occupied” includes the words “designed” or “intended to be used”; the word “shall” is mandatory and not directory.

600.02 Wherever the term “ordinance” appears, it shall be interpreted to mean and to refer to the zoning ordinance of the Town of Tishomingo, inclusive of all amendments and supplemental sections which have been or may be added thereto.

600.03 Accessory Use or Structure: A use or structure subordinate to the principal use of a building or use on the same lot and serving a purpose customarily incidental to the use of the principal building or use.

600.04 Alterations, Structural: Any change in the supporting members of a building, such as walls, floors, columns, beam, or girders.

600.05 Apartment: Two (2) or more rooms designed for, arranged for, intended for, or occupied as a residence by one (1) family.

600.06 Apartment House: Any building housing three (3) or more apartment units, provided said units are the principal use of the building.

600.07 Boarding House, Rooming House, Lodging House, or Dormitory: A building or part thereof, other than a hotel or restaurant, where meals and/or lodging are provided, for three (3) or more persons, for compensation, and where no cooking or dining facilities are provided in individual rooms.

600.08 Building: Any structure having a roof supported by columns or walls, used

or intended to be used for the shelter or enclosure of persons, animals, or property.

600.09 Building, Height of: The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the ridge for gable, hip, or gambrel roofs.

600.10 Building Permit: A permit issued by the Zoning Administrator for the construction or alteration of any building or structure.

600.11 Coverage: The percentage of the lot area which is covered by any building or part thereof.

600.12 Dwelling: Any building or portion thereof designed or used as the residence of one (1) or more persons, but not including a tent, cabin, trailer or trailer coach, mobile home, or a room in a hotel or motel.

600.13 Dwelling, Multi-Family: A building or portion thereof designed for or used by three (3) or more families or housekeeping units.

600.14 Dwelling, Rear: A building designed for or used as the residence or sleeping place of one (1) or more persons, located in the rear portion of a lot occupied by an existing structure, but not including a tent, cabin, trailer or trailer coach, mobile home, or a room in a hotel or motel.

600.15 Dwelling, Single-Family: A building designed for or used for residence purposes by one (1) family or housekeeping unit, but not including a tent, cabin, trailer or trailer coach, mobile home, or a room in a hotel or motel.

600.16 Dwelling, Two (2) Family: A building designed for or used for two (2) families or housekeeping units, but not including a tent, cabin, trailer or trailer coach, mobile home, or a room in a hotel or motel.

600.17 Dwelling Unit: One (1) room or suite of two (2) or more rooms designed for use by one (1) family for living and sleeping and having only one (1) kitchen or kitchenette, but not including a tent, cabin, trailer or trailer coach, mobile home, or a room in a hotel or motel.

600.18 Family: A person living alone, or two (2) or more persons living together as a single housekeeping unit, in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, dormitory, motel, or hotel.

600.19 Gasoline Service Station or Convenience Store: Any building used for the supply of gasoline, oil, or other fuel for motor vehicle propulsion, which can include space and facilities for washing, polishing, greasing, and servicing motor vehicles.

600.20 Garage, Private: A detached accessory building or a portion of the principal building used only for the storage of vehicles and incidental personal property.

600.21 Garage Public: A building or portion thereof, other than a private garage or filling station, used for equipping, servicing, repairing, hiring, selling, or storing vehicles or similar equipment.

600.22 Home Occupation: An occupation conducted in a dwelling unit, provided that: No person other than members of the family residing on the premises shall be engage in the occupation; the use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants; not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation; there shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign the size and design of which are set forth within the District definitions above. No traffic shall be generated by such home occupation in volumes greater than would normally be expected in a residential

neighborhood; any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard; no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the lot to the normal senses. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations, in line voltage off the premises. The conducting of a clinic, barber shop, beauty parlor, tourist home, veterinary clinic, pet breeding or any other similar use shall not be deemed a home occupation.

600.23 Hotel: A building occupied primarily as the temporary abiding place of individuals who are lodged with or without meals, and in which there are more than twelve (12) sleeping rooms or apartments.

600.24 Junk Yard: A place where waste and discarded or salvaged materials are bought, sold, exchanged, baled, packed, stored, disassembled, or handled, including auto-wrecking yards, house-wrecking yards, used lumberyards, and places or yards for storage of salvaged items of any type, including house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations.

600.25 Lot: A piece, parcel, or tract of land occupied or intended to be occupied by a principal building, or a group of such buildings and accessory buildings used for a principal use and uses accessory thereto, together with such open spaces as required by this ordinance, and having frontage on a public street.

- 600.26 Lot Area: The computed area contained within the lot lines.
- 600.27 Lot, Corner: A lot at the juncture of and fronting on two (2) or more intersecting streets.
- 600.28 Lot Depth: the mean horizontal distance between the front and rear lot lines.
- 600.29 Lot Line, Front: The property line separating the lot from a street right-of-way.
- 600.30 Lot Line, Rear: The lot line opposite and most distance from the front lot line.
- 600.31 Lot Line, Side: Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side-street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.
- 600.32 Lot Lines: The property lines bounding the lot.
- 600.33 Lot of Record: A lot or parcel of land which is a part of a subdivision recorded in the Chancery Clerk's Office; or a parcel described by metes and bounds, the description of which has been legally recorded at the time of adoption of this ordinance.
- 600.34 Lot Width: The width of the lot measured at the building setback line.
- 600.35 Mobile Home: A movable or portable dwelling unit, with or without wheels, over thirty-two (32) feet in length and eight (8) feet or over in width, constructed to be towed on its own chassis and designed without a permanent foundation for year-round occupancy. Such unit may include one (1) or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or be composed of two (2) or more unites separately towable but designed to be joined into one (1) integral unit, or be a portable

dwelling composed of a single unit.

600.36 Motel or Tourist Court: A building or group of buildings comprised of individual sleeping or living units for the accommodation of transient guests, but not containing individual cooking or kitchen facilities.

600.37 Nonconforming Use: A structure or premises legally existing or used at the time of adoption of this ordinance, which do not conform with the use or area regulations prescribed by this ordinance for the district in which they are located.

600.38 Parking Space: The area required for parking one (1) automobile, which in this ordinance is held to be an area not less than eight (8) feet wide and eighteen (18) feet long, either within a structure or in the open, exclusive of driveways or access drives.

600.39 Setback Line: The closest point at which a building may be constructed in relation to the lot line.

600.40 Story: The portion of a building included between the surface of any floor and the surface of the floor next above it; or if there be no floor above it, then the space between the floor and the ceiling next above it.

600.41 Structure: Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

600.42 Tourist Court: See Motel.

600.43 Tourist Home: A building or part thereof, other than a hotel, boarding house, lodging house, or motel, where lodging, mainly for transients, is provided by a resident family in its home for compensation, same being also referred to as a bed and breakfast.

600.44 Yard: An open space at grade between the edges of a building and the

adjoining lot lines, unoccupied and unobstructed by an portion of a structure from the ground upward, except as otherwise provided herein.

600.45 Yard, Front: An open space extending the full width of the lot between the edge of a building and the front lot line, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

600.46 Yard, Rear: An open space extending the full width of the lot between the edge of a building and the rear lot line, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

600.47 Yard, Side: An open space extending from the front yard to the rear yard between the edge of a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

600.48 Zoning Administrator: The person authorized to issue building permits and to enforce the zoning ordinance of the Town of Tishomingo, Mississippi, as designated by the Mayor and Board of Aldermen.

ARTICLE VII

MISCELLANEOUS

700. Animals

700.01 No animals of any type may be kept for breeding, commercial use, or sale within the Residential Districts.

700.02 No non-domestic animals may be kept within the residential, commercial or industrial districts. It being the intention that no animal not considered a household pet be kept or maintained within residential, commercial or industrial districts, and that only domestic cats and dogs be kept outside of a residential structure.

700.03 Any domestic dog within the city limits of the Town of Tishomingo must have all recommended vaccinations (eg, parvo, rabies, distemper) and tagged accordingly and must have a tag identifying its owner.

700.04 Any domestic dog or cat shall be on a leash or restricted to the owner's property in a humane way by pen, fence, or electronic wire fencing.

701. Trees

701.01 The Town of Tishomingo has a Centennial Tree program. Trees that have been planted or that are planted in the future under this program are protected trees and may not be damaged, trimmed, cut or removed without the prior approval of the Mayor and Board of Aldermen of the Town of Tishomingo.

702. Signs

702.01 Billboard signs are prohibited within the city limits of the Town of Tishomingo.

702.02 No person or entity shall erect, place or allow to be erected or placed within the city limits any of the following signs: Neon, light emitting diode, or any other sign that uses individual lights or panel of lights to display any message visible from a public street whether outdoor or indoor, except for signs stating only "Open" less than four square feet in area.

702.03 Non-conforming permanent signs in existence as of June 4, 2013, being the date of the Temporary Moratorium Ordinance on signs for 60 days, shall be allowed to remain so long as same is properly maintained and the business or other enterprise it identifies or advertises continues in operation on the property. Non-conforming school, church, municipal and other

public use signs in existence on the date of this ordinance may remain and be repaired and replaced so long as the use of the property remains the same.

702.04 Temporary Banner signs advertising a special promotion, open house, new business or activity may be placed not more than four times a year per property for a period not to exceed ten (10) days.

703. Towers

703.01 Antennae, Towers or other communication structures over 25 feet in height are not permitted within the city limits of the Town of Tishomingo. However, antennae towers for HAMM radio transmission and communication shall be permitted up to a height of 60 feet, so long as same is located behind the principal structure on the lot.

704 Yard Sales

704.01 Yard sales are not to exceed three days in duration and no property owner shall have more than six (6) per calendar year. Yard Sale items will not be left out except during Yard sales.

704 Lighting

704.01 Outdoor lighting of the structures or parking lots shall be white directional lighting that focuses on the areas intended to be lit and do not create unnecessary lighting or glow into the sky or beyond areas intended to be lit.

ARTICLE VIII

PENALTIES, VALIDITY AND REPEALER

800. Penalty

800.01 Any person, firm, or corporation who violates, neglects, or refused to comply with the enforcement of any of the provision of this ordinance shall be fined more than one Hundred (100) dollars for each offense. Any violation of Article VII Section 700.01, 700.02, 700.03, and 700.04, shall be fined in such amounts as set forth in the currently existing animal ordinance. Each day that a violation is permitted to exist shall constitute a separate offense, unless reasonable efforts to correct same in a timely manner are being actively pursued by the defendant.

801. Validity

801.01 Should any section, clause, or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

802. Repealer

802.01 All other existing ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed; and all other existing ordinances and parts of ordinances that are not in conflict with the provisions of this ordinance shall remain in full force and effect.

802.02 With regard to the “Tishomingo Light wine and Beer Ordinances” adopted June 4, 2013, this ordinance shall control only as to the definitions of the Central Commercial Business District and General Commercial District as identifying locations within the city limits where light wines and beer may be sold.

802.03 With regard to any existing Ordinance concerning pets and other animals, the provisions herein are supplemental thereto and same shall continue in full force and effect.

803. Effective Date

703.01 Due to the necessity of immediate preservation of the public peace, health, morals, safety, and welfare, of the Town of Tishomingo and its residents, this Ordinance shall become effective immediately on the date of its passage.

Upon motion of Ann Taylor seconded by Barbara Oaks the foregoing Ordinance was duly adopted on this the sixth day of August by the following votes:

Anne Taylor Voted AYE

Hal Southward, Jr. Voted AYE

Barbara Oaks Voted AYE

Gary Harlan Voted AYE

Doyle Hopkins Voted AYE

WHEREUPON, the Mayor declared the motion carried by unanimous vote and the Ordinance adopted, this the 6th day of August, 2013, at a regular meeting of the Mayor and Board of Aldermen.

James Tennyson, Mayor

ATTEST:

Paula Rushing, Town Clerk