

512.02. Areas to be graded by cutting or filling must be rough graded to within two-tenths (0.2) of a foot of the accepted elevation after necessary allowance has been made for the thickness of topsoil, paved areas, and other installations.

512.03. Final cross sections and profiles of streets and other installations must conform to grades recommended by the county engineer. Elevations must be based on mean sea level.

512.04. All timber, logs, trees, brush, vegetation, and other rubbish must be removed or otherwise disposed of in accordance with the rules and regulations of the Mississippi Bureau of Pollution Control so as to leave areas that have been disturbed with a neat and finished appearance.

SECTION 513 EROSION AND SEDIMENT CONTROL

513.01. Installation of the above improvements must be done in such a manner as to provide for the most effective control of erosion and sediment. Practical combinations of the following technical principles must be used.

513.01-01. The smallest practical area of land must be exposed at any one time during development.

513.01-02. When land is exposed during development, the exposure must be kept to the shortest practical period of time.

513.01-03. Temporary vegetation and/or mulching must be used to protect critical areas exposed during development.

513.01-04. Sediment basins (debris basins, desilting basins, or silt traps) must be installed and maintained to remove sediment from runoff waters from land undergoing development.

513.01-05. Provisions must be made to effectively accommodate the runoff caused by changed soil conditions during and after development.

513.01-06. Permanent final vegetation and structures must be installed as soon as practical in the development.

513.01-07. The development plan must be fitted to the topography and soils so as to create the least possible erosions.

513.01-08. Whenever feasible, natural vegetation must be retained and protected.

ARTICLE VI

LEGAL PROVISIONS, PENALTIES, FEES, AND AMENDMENTS

SECTION 600 AMENDMENTS

The Board of Supervisors may from time to time adopt amendments that will tend to increase the effectiveness of these Subdivision Regulations. The Subdivision Regulations may be revised or amended by the Board of Supervisors after giving adequate public notice as required by law for conducting a public meeting.

600.01. AMENDMENTS TO THE SUBDIVISION REGULATIONS. In its review of the text amendments, the Board shall pay reasonable regard to:

600.01-01 The most recently adopted Lamar County Comprehensive Plan.

- 600.01-02 The most recently adopted Lamar County Zoning Ordinance, if applicable.
- 600.01-03 The current conditions and character of structures and uses in each district
- 600.01-04 The most desirable use for which the land in each district is adapted.
- 600.01-05 The conservation of property values throughout Lamar County.
- 600.01-06 Responsible growth and development; and
- 600.01-07 The public health, safety and welfare.

600.02. TRANSITION RULES. Any subdivision either fully approved or submitted and on the agenda for approval prior to the adoption of changes to the Subdivision Regulations shall be regulated by the terms and conditions of the subdivision regulations which were in place at the time of the approvals.

SECTION 601 REMEDIES AND PENALTIES

The County may use any combination of the following remedies and enforcement powers to administer and enforce these regulations.

601.1 REMEDIES

601.1-01 Issuance of Stop Work Order

Whenever work is being done on a site in violation of any applicable provision of this Ordinance, the County Planning Staff may issue a Stop Work Order. The Stop Work Order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation, and the action(s) necessary to lawfully resume work. As part of the Stop Work Order, a sign shall be placed on the property.

601.1-02 Revocation of Permit or Approval

The County may revoke any development permit or approval by written notice to the permit or approval holder when false statements or misrepresentations were made in securing the permit or approval, work is being or has been done in substantial departure from the approved application or plan, there has been a failure to comply with the requirements of these regulations, or a permit or approval has been mistakenly granted in violation of this Ordinance.

601.1-03 Injunction

When a violation occurs, the County may, either before or after the initiation of other authorized actions, apply to the appropriate court for a mandatory or prohibitory injunction ordering the offender to correct the unlawful condition or cease the unlawful use of the land in question.

601.1-04 Order of Abatement

In addition to an injunction, any condition caused or permitted to exist in violation of any of the provisions of these regulations or any ordinance shall be deemed a public nuisance and the County and the Court may apply for and the Court may enter into an Order of Abatement as part of the judgment in the case. An Order of Abatement may direct any of the following actions:

- (1) That buildings or other structures on the property be closed, demolished, or removed;
- (2) That fixtures, furniture, or other moveable property be moved or removed entirely;
- (3) That improvements, alterations, modifications, or repairs be made;
- (4) That any other action be taken as necessary to bring the property into compliance with these regulations.

601.1-05 Equitable Remedy

The County may apply to a court of law for any appropriate equitable remedy to enforce the provisions of this Ordinance. The fact that other remedies are provided under general law or these regulations shall not be used by a violator as a defense to the County's application for equitable relief.

601.1-06 Execution of Court Decisions

The County may execute the Order of Abatement and will have a lien on the property in the nature of a mechanic's and material man's lien for the cost of executing the order.

601.1-07 Denial or Withholding of Related Permits

The county may deny or withhold authorization to use or develop any land, structure, or improvements until an alleged violation related to such land, use, or development is corrected and any associated civil penalty is paid.

601.1-08 Additional Remedies for Repeat Violations

On determining that a violator has repeatedly violated or been in the violation of these regulations over a period of at least six months, and that the violator is likely to continue to engage in activities resulting in future violations of this Ordinance, the planning department may impose any of the following additional remedies:

- (1) Revoke other permits issued to the violator in accordance with these regulations;
- (2) Suspend the violator's right to apply for or receive development permits and approvals in accordance with these regulations for a specified period of time;
- (3) Require the violator to provide a performance guarantee against which the County can charge monetary penalties for future violations; or
- (4) Require the violator to provide a performance guarantee against which the County may draw monies covering the County's costs in correcting the violations.

601.1-09 Sale of Land before Plat or Land Division is Approved.

Whoever, being the owner or agent of the owner of any land within a subdivision, transfers or sells or agrees to sell any land by reference to or exhibition of or by other use of a plat of a subdivision before such plat or land division has been approved by the Lamar County Board of Supervisors and recorded or filed in the records of the County Chancery Clerk shall be punished as provided for in these regulations for each lot or parcel so transferred or sold or agreed or negotiated to be sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the purpose of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The County may enjoin such transfer or sale or agreement by injunction brought in any court of competent jurisdiction or may recover the penalty by a civil action in any court of competent jurisdiction.

601.2 CRIMINAL PENALTIES

Wherever in these regulations or in any ordinance of the County, any act is prohibited or is made or declared to be unlawful or an offense or the doing of any act is required, or the failure to do any act is declared to be unlawful or a misdemeanor, where no specific penalty is provided therefore, the violation of any such provisions of these regulations or ordinance of the county shall be punished by a fine not exceeding one hundred dollars (\$100.00). Every day any violation of these regulations or any such ordinance shall continue shall constitute a separate offense.

All offenses under the penal laws of the State of Mississippi, amounting to a misdemeanor, shall, when committed within the county also be offenses against the County, to the same effect as though such offenses were made offenses against the County, by special ordinances in each case, and upon conviction therefore, the same punishment shall be imposed by the County, as is provided by the laws of the state with regard to such offenses against the state not in excess of the maximum penalty which may be imposed by the county under the law.

601.3 ASSESSMENT FOR COURT COSTS

In addition to any fine imposed, and regardless of the waiver or suspension of any fine, an assessment for the costs of court shall be imposed upon any person found to be in violation of these regulations.

601.4 CUMULATIVE REMEDIES AND PENALTIES

The remedies and penalties provided for violations of these regulations, whether civil or criminal, shall be cumulative and in addition to any other remedy or penalty provided by law, and may be exercised in any order.

SECTION 602 FEES

At the time of filing an application for Preliminary Plat Approval with the Board of Supervisors, the subdivider must pay to the Chancery Clerk or the Planning Department a minimum fee of \$300+ \$25 per lot (Original submittal and 1 resubmittal); Re-submittals: \$100 for the 2nd submittal and each subsequent submittal. **Lamar County will bill the developer for any fees charged by the County Engineer related to the development.** No action of the County Engineer or Board of Supervisors shall be valid until the fee has been paid to the Chancery Clerk or Planning Department. This fee will be charged on all plats, regardless of the action taken, whether the plat is approved or disapproved.

SECTION 603 REPEAL OF CONFLICTING ORDINANCES

All regulations or parts of regulations in conflict with this Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 604 EFFECTIVE DATE

This Ordinance took effect and was in force on the 15th day of February, 1996, and is filed and recorded in the Board of Supervisors Minute Book Number 112, Page 290, in the Chancery Clerk's Office in Purvis, Mississippi.

As Revised and Amended May 18, 2008

As Revised and Amended March 4, 2013

So order and adjudicated on March 4, 2013

Joe Bounds, President, Lamar County Board of Supervisors

ATTESTED:

Wayne Smith, Chancery Clerk

DATE: