NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF TERRY, MISSISSIPPI AS FOLLOWS:

ARTICLE I
GENERAL PROVISIONS

SECTION 100 TITLE

100.1 These regulations shall be known as the "Official Subdivision Regulations for the Town of Terry", and may be so cited. However, the regulations contained herein apply to all streets and land located within the Town.

SECTION 101 DEFINITIONS

101.1 As used in these regulations, words in the present tense include the future; words in the singular include the plural and words in the plural include the singular; the word "building" includes the word "structure": and the word "shall" is mandatory and not directory.

101.2 For the purpose of these regulations certain words and phrases used herein are defined as follows:

a. A.A.S.H.T.O.: American Association of State Highway and Transportation Officials.

b. AWWA: American Water Works Association

c. Block: The area of subdivided land between two (2) streets intersecting a third street adjacent to the subdivided land.

d. Town: The term Town means the Town of Terry, Mississippi or, when appropriate to the context, its duly authorized representative.

e. Town Engineer: The term Town Engineer means the engineer employed by the Town for the purpose of reviewing the plans, plats, and data required by these regulations.

f. Town Official: This term means the person charged with the duty to approve plats and data required by these regulations and to enforce same.

g. Comprehensive Plan: A plan including drawings illustrating short and long term improvements to subdivided land including streets, water distribution and sanitary sewer collection system improvements, landscaping and related information.

h. Construction Plans: The term Construction Plans means the drawings of work to be constructed and includes the specifications and standards and such other information as necessary to adequately describe the work, methods, the materials and the desired results.

i. Development Permit: Required when dirt is to be imported to construct improvements within the limits of the 100-year frequency flood plan.

j. Double Frontage: This situation occurs when a particular lot is fronted on two (2) sides by a street. This may occur when a lot exists on a corner or when a street extends along the front and back sides of a lot.

k. Drainage Plan: A plan consisting of drawings and calculations describing the proposed drainage improvements. The drawings shall include all drainage structures, watercourses, land contours and necessary drainage easements.

l. Engineer: The term Engineer means a registered Professional Engineer licensed to practice in the State of Mississippi.

m. Final Inspection: An on-site review held at completion of the subdivision improvements and attended by the Town Official, Town Engineer, Developers and/or his duly appointed representative, and the Developer's Engineer.

n. Final Recording Plat: Drawing of any lot, tract, or parcel of land requested to be recorded in the Office of the Chancery Clerk.

o. Geotechnical Investigation Report: A report of existing soil conditions at a development site prepared by a registered Professional Engineer qualified to make such recommendations.

p. Governing Authority: The term Governing Authority means the Mayor and Board of Aldermen of the Town.

q. Water System Analysis: An analysis of the water distribution system improvements required to serve a development approved by the Town Official.

r. Lot: The term Lot means a parcel of land, or portion of a subdivision intended for lease, transfer of ownership, or development.

s. Manual on Uniform Traffic Control Devices: The standard for all traffic control devices including signs, pavement moldings, traffic signals and related devices published by the Federal Highway Administration.

t. Phase I Environmental Assessment: A search of past uses of a particular property including a title search to determine the possibility of hazardous substances existing on the property.

u. Preliminary Plat: A drawing of proposed subdivision illustrating proposed infrastructure improvements including streets, water distribution and sanitary sewer collection systems, drainage and landscape improvements. The Preliminary Plat is submitted to the Town for review prior to initiating preparation of construction plans.

v. Private Street: A street not dedicated to the Town for public use.

w. Reverse Frontage: Frontage on the back side of a lot.

x. Site Plan: Preliminary sketch of proposed infrastructure improvements in a subdivision showing general layout of streets, water distribution and existing sewer collection and drainage system improvements to open discussions with the Town regarding required improvements. The Site Plan is submitted to the Town for review prior to preparation of a Preliminary Plat.

y. Street: The term Street means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, alley, or however otherwise designated.

1. Arterial streets and highways are those which are used primarily for fast or heavy traffic and which provide a means to either bypass the Town or be routed expeditiously through the Town.

2. Collector streets are those which carry traffic from local streets to arterial streets in the residential and business areas and may include the principal entrance streets of a residential or commercial development.

3. Local streets are those which are used primarily for access to the abutting properties.

4. Marginal access streets are those which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.

5. Alleys are minor ways which are used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

z. Street Jog: a situation that exists when a street intersects a cross street at two (2) separate locations.

aa. Street Plat: The term Street Plat means a plat of any Street to be constructed in the Town which is not located within a platted subdivision upon the commencement of construction.

bb. Subdivider: The term Subdivider means any person, individual, firm, partnership, association, corporation, estate or trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as herein defined, and includes any agent of the subdivider, or any person who constructs a street within Terry.

cc. Subdivision: The term Subdivision means the division of a parcel of land into two or more lots or parcels for the purpose, immediate or future, of sale, lease, or building development, or, if a new street is involved, any division of a parcel of land constitutes a subdivision, but, the division of land for agricultural purposes into lots of five acres or more in size where no new street is created does not constitute a subdivision. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. "Two or More Lots" means that a subdivision exists when the second lot is sold.

Notwithstanding the above definition, there is excluded from the definition of subdivision any lot or parcels of property that are zoned commercial or industrial and are located on a dedicated public street existing or approved pursuant to the procedures defined herein with adequate Town water and sewer services, as determined by the Town. All residential property must be subdivided pursuant to the provisions of this ordinance.

dd. Technical Specifications: A document consisting of descriptions of materials and workmanship required for the planned infrastructure improvements in a subdivision.

ee. Thoroughfare Plan: The plan of existing and proposed streets, thoroughfares and routes and related transportation improvements adopted by the Mayor and Board of Aldermen.

ff. Tree, Large: A tree 12 inches in caliper or larger.

gg. Tree, Small: A tree less than 12 inches in caliper.

SECTION 102 PURPOSE

102.1 It is hereby found and declared that, to promote orderly, efficient and coordinated growth and development within the Town and its environs and to promote the health, safety, morals and general welfare of the residents of the Town and its environs, there exists a need for setting forth certain procedures and standards to be followed in the development and redevelopment of land in the Town and its environs.

102.2 These regulations seek to attain these objectives through the application of the procedures, standards and requirements herein established. Specifically these regulations are:

a. To secure equitable handling of development plans by providing uniform procedures and standards for the observance of both the developer and the Town.

b. To insure conformance of development plans with the public improvement plans of the Town.

c. To establish minimum standards governing streets, drainage, utilities and other developmental improvements.

d. To establish procedures and minimum standards governing the preparation, filing and approval of subdivision plats and data.

e. To fix penalties for the violation of the provisions of these regulations.

f. To provide that the Governing Authority may vary these regulations in certain cases or under certain conditions.

SECTION 103 AUTHORITY

103.1 The provisions of this code are adopted pursuant to the authority granted by Sections 17-1-3, 17-1-23, 17-1-25 and 21-19-63 of the Mississippi Code of 1972, recompiled, as amended.

SECTION 104 SCOPE

104.1 The provisions of this ordinance apply to all subdivisions as defined herein and also apply to all property located within the Town even if property is excluded from the definition of a subdivision.

104.2 The provisions of this Ordinance may be enforced by injunction from the Chancery Court of Hinds County, Mississippi.

SEC**TION 105 APPLICATION AND GENERAL REQUIREMENTS**

105.1 Any subdivider of land within the territorial jurisdiction of the Town shall submit to the Town subdivision plats along with construction plans for the proposed improvements and such other information as may be required according to these regulations.

If the property to be served is not to be subdivided and platted and is commercial or industrial property, any person desiring to construct a street to serve said property shall first submit a Street Plat to the Town which shall reflect the proposed infrastructure, topography and vicinity map of the proposed street. The Street Plat shall also show that the street to be constructed meets or exceeds the standards of the Town and that the street together with necessary utility easements will be dedicated to the Town upon acceptance. The Street Plat shall show the exact location of the street, all water, sewer and drainage improvements and/or easements and all property intended to be served thereby and the relation of said street to the nearest dedicated street on all four sides of said street and all

property owned by the owner of said street and contiguous thereto. The street and utilities shall be constructed in accordance with the provisions of this ordinance.

105.2 In considering the approval of Subdivision Plats or Street Plats, the Town shall observe and enforce the requirements and procedures set forth herein.

105.3 No subdivider shall proceed with any construction work in a proposed subdivision or convey or lease same on any Street for which a Street Plat must be approved without first having obtained the Final Recording Plat or Street Plat Approval as prescribed herein. All streets and utilities must be dedicated to the Town upon acceptance.

ARTICLE II

PLATS AND DATA

SECTION 200 PREAPPLICATION PLANS AND DATA

200.1 An informal meeting will be held with the Subdivider and his Engineer and representatives of the Town to discuss the Town's requirements for streets, water and sanitary sewer infrastructure, lot sizes, setback requirements and other information pertinent to the planned development before any construction is commenced.

200.2 A Sketch Plan on a topographic map shall be provided showing in simple sketch form the proposed layout of streets, blocks, lots, and other features in relation to existing conditions. The sketch plan may be a free-hand pencil sketch made directly on a print of the topographic map. In any event the sketch shall include the existing topographic data as well as the general layout of streets and utilities.

200.3 A Site Plan on a topographic map shall be provided showing in simple sketch form the proposed layout of streets, blocks, lots, and other features in relation to existing conditions. The site plan may be a free-hand pencil sketch made directly on a print of the topographic map. In any event the site plan shall include the existing topographic data as well as the general layout of streets and utilities.

SECTION 201 PRELIMINARY PLATS AND DATA FOR APPROVAL

201.1 Unless otherwise specified by the Town, topographic data shall be done on a drawing at a scale of not more than 200 feet to the inch and shall include existing conditions as follows:

a. Title under which proposed subdivision is to be recorded, names and addresses of owners of record, the Engineer preparing the plat, notation stating acreage, and Zone District Classification, floodplain classification, graphic bar scale, north arrow, bench-marks, and date of survey.

b. Location of the tract by legal description including township, range and section, and ties to be recognized quarter section points; exact boundary lines of the tract indicated by a heavy line giving dimensions, angles and at least one bearing.

c. Vicinity map showing the location of the tract and indicating such significant features as boundary lines, streets, railroads, schools, parks, other subdivisions, developments, landmarks, floodplains, floodway, etc., within one-quarter mile of the proposed subdivision.

d. Contour intervals to sea level datum of not more than two (2) feet when the slope is less than four (4) percent, and not more than five (5) feet when the slope is greater than four (4) percent, referenced to a United States Geological Survey or a

Coast and Geodetic Survey bench mark or monument, or bench mark approved by the Town Engineer or Town Official.

e. Existing cultural and infrastructure features on and adjacent to the tract including:

1) Easements: Location, width, purpose
2) Park Areas: Type and Size
3) Structures: Location and use
4) Streets: Location, name, right-of-way width, width and type of paving, walks, curbs, gutters, inlets, etc.
5) Utilities: Location, size, and invert elevation of sanitary and storm sewers; location and size of water mains and fire hydrants; location of gas lines; and location of electric and telephone poles. If water mains and sewers are not on or adjacent to the tract, the direction and distance to, and size of nearest facilities with invert elevation of sewers shall be shown.

f. Natural features on and adjacent to the tract including drainage channels, bodies of water, wooded areas, marshes and other significant features. On all water courses leaving the tract, the direction of flow shall be indicated, and for all water courses entering the tract, the drainage area above the point of entry shall be noted. Areas subject to inundation or overflow or ponding of storm water shall be shown.

g. Owners of adjacent unplatted land as shown on latest Tax Assessor's records.

201.2 The preliminary Plat shall be at a scale of not more than 200 feet to one inch unless otherwise specified by the Town. It shall show the following data:

a. Streets: names, rights-of-way and roadway widths; similar data for alleys, if any.

b. Other rights-of-way or easements: locations, width and purpose.

c. Location of utilities, including:

1) Approximate location, and sizes of storm and sanitary sewers, location and size of sanitary service connections, location, bottom elevation, and location of any ditches or canals.

2) Approximate location and size of water mains and fire hydrants.

d. Lot lines and lot numbers

e. Sites, if any, to be reserved or dedicated for parks, playgrounds or other public use.

f. Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other non-public uses exclusive of single family dwellings.

g. Minimum building setback lines

h. Existing and proposed covenants and restrictions.

i. Such other data, if any, as shall be required by statutes of the State of Mississippi for Plats.

j. External boundary of subdivision described by bearing and distances furnished together with documentation of survey closure.

201.3 Other preliminary plans and data: When required by the Town, the Preliminary Plat shall be accompanied by such other plans and data as it deems necessary for adequate consideration of the proposed development.

SECTION 202 PLATS AND DATA FOR FINAL APPROVAL AND FILING

202.1 A Final Recording Plat shall be prepared as required by the statutes of Mississippi relating to Town plats. Where necessary, the Plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the Final Plat may be submitted for approval progressively in continuous sections satisfactory to the Governing Authority. The Final Plat shall show the following:

a. Name of subdivision; name, seal and registration number of the Engineer preparing the plat; owners of record; giving date, record book and page number; date of drawing; north point and graphic scale; location of tract by legal description, giving acreage; vicinity map; key map when more than one sheet is required to present the plat.

b. True courses and distances to the nearest established section corners, or other recognized permanent monuments which shall accurately locate the property described in the Plat.

c. Exact boundary lines of the tract indicated by a heavy line, or other acceptable control traverse, giving dimensions to the nearest one-one hundredth (1/100) foot, and angles to the nearest second, which shall be balanced and closed with an error of closure not to exceed the minimum standards for land surveying established by the Mississippi State Board of Registration for Professional Engineers and Land Surveyors. Documentation of survey closure shall be submitted with the Final Plat.

d. Street and alley and other right-of-way lines with locations and width, with street names indicated.

e. Lot lines with dimensions to the nearest one-one hundredth (1/100) foot, necessary internal angles, arcs and chords and radii of rounded corner; building lines with dimensions.

f. Lot numbers

g. Easements giving dimensions, location and purpose; accurate outlines and description of any areas to be dedicated or reserved for public use or acquisition with the purposes indicated thereon; and of any areas to be reserved by deed covenant for common uses of all property owners.

h. Accurate location and description of all monuments.

i. Certificate of Engineer; Certificate of Owner; Certificate of Final Approval; Clerk's Certificate.

j. Reference to recorded subdivision plats of adjoining platted land by record name, book and page numbers.

k. Any other requirement of the statutes of Mississippi relating to plats. In case of any conflict between these regulations and a statute of Mississippi, the statute shall control.

l. Other data such as certificates, affidavits, or endorsements as may be required by the Governing Authority in the enforcement of these regulations.

The names of record owners of adjoining unplatted land and protective covenants, if any, in form for recording shall also be provided along with the plat.

202.2 The Final Plat shall be accompanied by the following information and documents unless shown on the plat itself:

a. Letters of final approval of water supply and sanitary sewage collection systems from the appropriate agency.

b. All calculations and field notes when required by the Governing Authority.

c. House numbering plan.

d. Resolution of the Governing Authority accepting the dedication, of the parks, public open spaces, streets, avenues or other public ways shown on the plat, together with the certificate of the Town Clerk or Chancery Clerk, as applicable, as to the correctness of the resolution.

SECTION 203 STREET PLATS

203.1 Street Plats whether preliminary or final shall contain the following information:

a. Name of property owner(s).

b. Legal description of the street and easements.

c. Legal description of all property to be served by such street.

d. Property lines indicated by bearings and distances of property to be served by such street.

e. Location of the street and easements within property lines and including all chords, bearings, distances, etc., required to accurately depict the street and its right-of-way and relationship to names of adjoining streets.

f. Location of all improvements, including water, sewer and other utility services.

g. Accurate location and description of all monuments.

h. Certificate of Engineer; Certificate of Owner; Certificate of Final Approval; Clerk's Certificate.

SECTION 204 PLAT CERTIFICATES

204.1 Each Plat submitted to the Governing Authority shall carry the following certificates thereon:

(a) CERTIFICATE OF ENGINEER: I, _____, hereby certify that this plat correctly represents a survey and a plat made by me or under my supervision; that all monuments shown hereon actually exist and their locations are correctly shown.

_____ (signed) _____

Date of Execution

Registered Professional Engineer
or Registered Land Surveyor
No. _____, Mississippi

(b) CERTIFICATE OF OWNER: I (we), the undersigned, owner(s) of the real estate shown and described herein, do hereby certify that I (we) have laid off, platted, and subdivided, and do hereby lay off, plat and subdivide the real estate in accordance with the within plat.

_____ (signed) _____

Date of Execution

Address: _____

_____

I, _____, Notary Public in and for the County of _____, and State of Mississippi, hereby certify that _____ _____, to be personally known as the owner(s) of the above real estate, appeared before me on the , _____ day of _____, 20___, and made the above oath.

_____ (signed) _____
Date Notary Public

My Commission expires: _____

(c) CERTIFICATE OF FINAL APPROVAL: Pursuant to the Official Subdivision Regulations of the Town of Terry, Mississippi, this document was given approval by the Mayor and Board of Aldermen at a meeting held _____, 20__.

_____ _____
Town Clerk Mayor

(d) CLERK'S CERTIFICATE: I, (name)_____, Clerk of the Chancery Court of Hinds County, Mississippi, do hereby certify that I have this day, examined the original plat of (Subdivision)_____ as certified by the owner and the engineer, and this plat is a true and exact copy and a duplicate of the original map and contains the executed certificates of the owner and the engineer, and the same is hereby filed and placed on record on this day in Plat Cabinet No. _____ at page _____ in my office. This _____ day of _____, 20__.

_____
Clerk of the Chancery Court
of Hinds County, MS

(e) RESTRICTIVE COVENANTS: The property located in (Subdivision)_____ _____ as shown on this plat is subject to restrictive covenants which are out in an instrument recorded in Book _____ at page of the deed of records of Hinds County, Mississippi.

_____
Clerk of the Chancery Court
of Hinds County, MS

ARTICLE III

PROCEDURE

SECTION 300 PREAPPLICATION PROCEDURE

300.1 Prior to submitting the Preliminary Plat or Street Plat the Subdivider shall submit to the Town a Site Plan including the information and data in accordance with Section 200 herein. This step does not require formal application, fee, or filing of plat with the Governing Authority.

300.2 The purpose of the procedure described in Section 300.1 is to afford the Subdivider an opportunity to avail himself of the advice and assistance of the Town and to consult early and informally with the Town before preparation of the Preliminary Plat and before formal application for its approval.

300.3 The Town shall promptly inform the Subdivider that the plans and data as submitted or as modified do or do not meet the objectives of these regulations and, if they do not meet the objectives, the respects in which they do not do so.

SECTION 301 PROCEDURE FOR APPROVAL OF THE PRELMINARY PLAT

301.1 On reaching conclusions informally, as recommended in Section 300 above, regarding his general program and objectives, the Subdivider shall cause to be prepared in accordance with Section 201 herein a Preliminary Plat or Street Plat, for the required improvements as specified in ARTICLE IV.

301.2 Two (2) copies of the Preliminary Plat or Street Plat, for the required improvements and the supplementary material specified, including covenants, shall be submitted initially to the Town with written application for approval. These data shall be submitted at least 10 working days prior to the regularly scheduled meeting of Governing Authority at which they are to be considered.

301.3 Fees in accordance with paragraph 601.1 herein shall be paid upon submission of the Preliminary Plat or Street Plat for approval.

301.4 Following (a) review of the Preliminary Plat or Street Plat, and other material submitted for conformity to these regulations by the Town, and (b) negotiations with the Subdivider on changes deemed advisable and the kind and extent of improvements to be made in the proposed subdivision, the Town shall express informal approval or conditional approval and shall state the condition of such approval, if any, or if disapproved shall express disapproval and the reasons therefor.

301.5 The action of the Town and any conditions thereof, shall be noted on copies of the Preliminary Plat or Street Plat. One (1) copy of each shall be returned to the Subdivider and the others retained by the Town.

301.6 Approval of a Preliminary Plat or Street Plat shall not constitute approval of the Final Recording Plat. It shall be deemed only an expression of approval of the general nature of the required improvements and the layout of the Preliminary Plat which may be used as a guide in the preparation of the Construction Plans and Final Plat to be submitted for approval of the Town Authority and for recording upon fulfillment of the requirements of these regulations.

SECTION 302 PROCEDURE FOR APPROVAL OF CONSTRUCTION PLANS AND IMPROVEMENTS

302.1 In consideration of the acceptance by the Town and the assumption of the responsibility for maintaining the utilities and streets constructed in a subdivision or property, the Subdivider shall cause to be constructed, at no expense to the Town, the improvements required by this Ordinance according to the current Town practices and the specifications set forth in this Ordinance.

302.2 All improvement construction shall be designed and supervised by a Professional Engineer registered in the State of Mississippi engaged at the expense of the Subdivider.

302.3 Two (2) copies of the Construction Plans and Technical Specifications prepared pursuant to the design requirements of Article IV herein shall be submitted to the Town Department of Public Works for review.

302.4 Two (2) copies of a Geotechnical Investigation Report shall accompany the Construction Plans for the proposed improvements. The Geotechnical Report shall contain the results of soil borings taken along the proposed street alignment and recommendations for street subgrade preparation. A Phase I Environmental Assessment may also be required if the Town deems same advisable.

302.5 Two (2) copies of a pavement design shall accompany the Construction Plans for any street improvements proposed. The pavement design shall be based on the pavement design procedure utilized by the Mississippi Department of Transportation based on the number of equivalent axle loadings and projected vehicular traffic expected to use the proposed street during a twenty (20) year period.

302.6 Two (2) copies of the drainage calculations used to determine the sizes of any proposed drainage improvements shall accompany the Construction Plans.

302.7 Two (2) copies of a Water System Analysis for water system improvements

302.8 Following review of the Construction Plans and supporting documentation, and' negotiations with the Subdivider with regard to changes deemed advisable, the Town shall express conditional approval and shall state the conditions of such approval, if any, or if disapproved, shall express disapproval and the reasons therefor.

302.9 Before starting construction, the Subdivider shall make arrangements with a Professional Engineer engaged at the expense of the Developer for adequate laboratory and construction inspection to insure that the improvements shall comply with these regulations. Records of such tests and inspections shall be provided to the Town as such tests and inspections are completed.

SE**CTION 303 PROCEDURE FOR APPROVAL OF FINAL RECORDNG PLAT**

303.1 The Final Recording Plat (as used herein "Final Recording Plat", includes Final Street Plat) shall conform substantially to the Preliminary Plat as approved and Section 202 herein, and, if desired by the Subdivider, may constitute only that portion of the approved Preliminary Plat which he proposes to record and develop at the time provided, however, that such portion conforms to all requirements of these regulations.

303.2 Two (2) blueline copies of the Final Recording Plat and record drawings (including one reproducible set) of the completed improvements must be submitted to the Town Department of Public Works at least 15 days prior to the meeting in which the Final Plat is to be considered for acceptance by the Governing Authority. These two (2) copies of the Plat will be reviewed by the Town Official and Town Engineer.

303.3 Upon receipt of written comments from the Town Engineer or Town Official regarding the Final Recording Plat, the Subdivider shall submit one (1) original Final Recording Plat with cloth-type back and one (1) reproducible copy of said Plat along with the following documents at least ten (10) working days prior to consideration for acceptance by the Governing Authority at a regularly scheduled meeting:

(a) Surety Bond or Letter of Credit in the amount of 150 percent of the established construction cost of the final asphalt wearing surface provided same has not been applied to the streets in the Subdivision and in addition, the Town Engineer or Town Official may also require an additional Bond or Letter of Credit in the amount of 150 percent of the estimated construction cost for any improvements deemed necessary by the Town to secure the stability and integrity of the streets, utilities and appurtenances.

(b) Two (2) copies of a Letter of Final Approval from the Mississippi State Health Department for the completed water distribution system improvements.

(c) Two (2) copies of a Letter of Final Approval from the Mississippi Department of Environmental Quality for sanitary sewer collection system improvements.

(d) Two (2) copies of a Letter of Assurance from the Subdivider prepared pursuant to the Section 202.2(a) herein. The letter should also contain a statement that the Subdivider warrants the aforementioned items for a period of one year from the date of acceptance of the Final Recording Plat.

(e) Two (2) copies of the Protective Covenants.

303.4 The Subdivider shall have prepared and submitted to the Town's Attorney for approval prior to consideration by the Governing Authority, a Certificate of Title of the land embraced in such subdivision before the Final Recording Plat is finally accepted by the Town.

303.5 Approval of the Final Recording Plat shall not be granted until the Subdivision or Streets meet the requirements contained in these regulations, subject to any waivers or exceptions having been granted.

303.6 In the event the Governing Authority should approve the Final Recording Plat, an endorsement shall be made thereon by the Mayor indicating such approval together with the date of the Governing Authority's order. A copy of said map shall be filed with the Town Clerk as well as with the Chancery Clerk of Hinds County by the Subdivider after said map has been properly signed and acknowledged.

SECTION 304 REQUIRED INSPECTIONS

304.1 The developer shall employ a registered Professional Engineer to inspect the improvements as they are installed. This Engineer shall then certify to the Town Engineer or Town Official that each improvement has been constructed in accordance with the approved plat, construction plans and specifications, and requirements of this Ordinance.

304.2 Upon approval of the Construction Plans by the Town Engineer or Town Official, with such changes and alterations, if any, as may be ordered, the developer may proceed with proposed improvements. If improvements are to be constructed in a 100 year frequency floodplain, a Development Permit must be obtained prior to initiation of construction activities.

304.3 After completion of all improvements and notification of this by the Developer's Engineer of Record, the Town Engineer and/or Town Official shall make a Final Inspection of the improvements required by this Ordinance, and any other improvements to be accepted by the Town after Certification by the Developer's Engineer that such improvements have been completed in accordance with approved plans and specifications. Unacceptable work, whether the result of poor workmanship, use of defective materials, damage through carelessness or any other cause found to exist prior to final acceptance of the work, shall be removed and replaced in an acceptable manner at no cost to the Town. The Town Engineer and/or Town Official, acting as the duly authorized representative of the Town and subject to the rules and regulations contained herein, shall decide all questions which may arise as to quality or acceptability of materials furnished or work performed. Such decisions may be appealed to the Mayor and Board of Aldermen and acceptance of each phase shall be binding upon the Town subject to correction by the Developer and his contractor of any damage which might occur during subsequent work on other required improvements.

304.4 If the Town Engineer and/or Town Official has verified that the contracted improvements are complete and free from defect, then upon receipt of the Final Recording Plat, and any other statements and certificates and/or agreements, the Mayor and Board of Aldermen shall accept the dedication of any portion of the required improvements, provided that all statements and agreements specified above have been received for that portion of the improvements.

ARTICLE IV

DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

SECTION 400 GENERAL

400.1 Where no Town standard exists governing the design or construction of required improvements, the Town Engineer or Town Official shall determine the requirements for design and/or construction predicated on the following:

Streets: Latest Edition of "A Policy on Geometric Design of Roadways and Streets," AASHTO; and the latest edition of the Mississippi Department of Transportation Standard Specifications for Road and Bridge Construction.

Water: American Water Works Association Standards and the latest edition of the Mississippi State Department of Health Minimum Standards for Public Water Systems.

Sanitary Sewers: Mississippi Department of Environmental Quality Standards.

Storm Drainage: Latest Edition of MDOT Design Manual and Standard Specifications for Roads and Bridge Construction.

SECTION 401 STREETS

401.1 The arrangement, character, extent, right-of-way and pavement widths, grade, and location of all streets to be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

401.2 The arrangement of streets in a Subdivision or on other property shall:

a. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas.

b. Conform to a plan for the neighborhood approved by the Town to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

c. Conform to the Town's adopted Thoroughfares Plan.

401.3 Access from properties zoned industrial or commercial in terms of driveways to state maintained roadways shall require acquisition of an access permit from the Mississippi Department of Transportation. New streets whether arterial, collector or local connecting or intersecting with divided median arterial roadways and streets, shall do so only at existing median crossings and shall be constructed to the technical requirements of the regulations established herein.

401.4 Where a Subdivision abuts or contains an existing or proposed arterial street, the Town may elect to require physical improvements to maintain the integrity and character of the subdivision. These physical improvements may include, but not limited to, frontage roads and landscaping or such other treatment as may be necessary for adequate protection of residential and commercial properties and to afford separation of through and local traffic. In cases where a major street fronts or passes through a commercial area and marginal access streets are required, commercial facilities will be allowed to front the Marginal Access Street.

401.5 Street jogs should be avoided when possible, but will be considered in accordance with sound traffic engineering principles.

401.6 Changes in horizontal alignment shall be accomplished by a curve with a radius sufficient to insure an adequate sight distance. Sight distance shall meet the requirements of the MDOT Design Manual.

401.7 Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than 75 degrees.

401.8 Property lines at street intersections shall be rounded with a radius of 10 feet minimum, or by triangular flare with minimum sides of 10 feet.

401.9 Street right-of-way and pavement widths shall be in accordance with the following:

Street Type	20 Yr. Projected Average Traffic Volume	Minimum Right-of-Way	Pavement Width Back to Back of Curb	Max/Min Grade
Principal Arterial	7,500	100 ft.	64 ft. & Variable	6%/0.5%
Minor Arterial	1500-5000	80 ft.	40 ft. min.	6%/0.5%
Collector	0-1500	60 ft.	32 ft. min.	6%/0.5%
Local (residential only)	0-800	50 ft.	28 ft.	6%/0.5%

Streets with shoulders and open ditches will be considered on a case-by-case basis.

401.10 Where not shown in the Thoroughfares Plan for the Town, the arrangement of streets in a subdivision shall provide for the continuation of appropriate projection of existing streets.

401.11 Dead-end streets, designed to be so permanently, shall not be longer than 600 feet and shall be provided at the closed end with a cul-de-sac having a minimum roadway diameter of 80 feet measured from back of curb to back of curb and minimum right-of-way diameter of 100 feet. The front of all lots in a cul-de-sac shall have a minimum width measured along the street right-of-way of 60 feet.

401.12 Temporary dead-end streets shall be paved, 80 feet in diameter and have, proper traffic control devices placed by the Developer or a designated representative thereof at the end of said street in accordance with the most recent edition of the Manual on Uniform Traffic Control Devices. These devices shall remain in place until such time as the temporary dead end street is extended to connect with another street or a permanent cul-de-sac is constructed.

401.13 Cul-de-sac streets will not be allowed to connect directly to State maintained thoroughfares. This provisions means that streets that connect to State maintained thoroughfares must be constructed so as to show the extension of such street to connect to another street at some time in the future.

401.14 All streets constructed within the Town, except industrial zoned property, shall have concrete curb and gutter on both sides of the street and subsurface drainage in accordance with Mississippi Department of Transportation Standard Specifications for Road and Bridge Construction. Open ditch type roadways with shoulders will be considered on a case-by-case basis.

401.15 In Industrial areas open ditch type roadway with 8 feet minimum wide shoulders may be constructed in lieu of curbs and gutters with subsurface drainage.

401.16 Entrances to residential and commercial developments off of an arterial or collector street shall have a landscaped entrance.

401.17 Setback requirements from arterial or collector streets for corner lots in a residential or commercial development shall be a minimum of 50 feet and are required to have a planting screen easement of at least 10 feet width adjacent to the street right-of-way. Planting screens are required in accordance with the Town Landscape Ordinance.

401.18 Pedestrian crosswalks, not less than 10 feet wide and consistent with the latest edition of the Manual of Uniform Traffic Control Devices shall be required where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

401.19 The Town may require that certain streets serving a Subdivision or property be constructed to higher standards than would be necessary to serve the particular subdivision or property in the best interest of the Town as a condition precedent of approval of the subdivision or street.

401.20 Street name signs, regulatory and warning signs shall be the responsibility of the Subdivider and shall conform to the requirements of the latest edition of the Manual of Uniform Traffic Control Devices. Proposed streets which are obviously in alignment with others already existing shall bear the names of the existing streets. In no case shall names of proposed streets duplicate or be confused with existing street names.

Street names shall be stated and approved on a preliminary plat. All traffic signs and street name signs shall be purchased by the developer and/or installed to the satisfaction of the Town before the final plat approval.

401.21 The Subdivider shall coordinate with the local E911 system regarding naming streets

401.22 Streets shall comply with the following criteria:

(a) Reverse curves shall be avoided when possible. Should it become absolutely necessary to utilize a reverse curve, a tangent of at least one hundred (100) feet shall be introduced between curves, or as necessary to provide sufficient super elevation run-off.

(b) The minimum radius of curvature permitted on a horizontal curve shall depend upon design speed and corresponding friction coefficients developed by AASHTO (American Association of State Highway and Transportation Officials), but shall not be less than two hundred (200) feet.

401.23 Intersections shall meet the following criteria:

(a) Street intersections and approaches shall be designed on as flat a grade as possible. Street gradients within 100 feet of intersections shall not exceed 4% and every reasonable effort shall be made to keep the gradient below 2%.

(b) The minimum curb radius permitted at intersections shall be twenty (20) feet for residential streets, and twenty-five (25) feet for collector streets, and forty (40) feet for streets serving industrial developments.

(c) Two streets intersecting the same street (T-intersection) shall be offset a minimum of one hundred fifty (150) feet (centerline offset).

(d) Turning lanes shall be provided at heavily traveled intersections as determined by the Town Engineer or Town Official.

401.24 Typical Section and Pavement requirements are as follows:

(a) All streets shall be designed with a centerline crown and two (2) percent traverse slope.

(b) Street pavement designs shall be based on consideration of the anticipated traffic volumes by weight, the sub-grade soil, surface drainage, ground water and climatic conditions. The minimum pavement structural design shall be based on street category and subgrade CBR as determined by a certified testing laboratory. Pavement design approval will be contingent and based on the findings of the Geotechnical Report.

The thickness of pavement increments shall be determined according to accepted A.A.S.H.T.O. design practice and pavement material equivalencies. Street surfaces shall be a minimum of 1½" Hot Bituminous surface course and five inches (5") of hot bituminous base course, or a minimum of 10 inches clay gravel base with a 3" hot bituminous surface course or equivalent. Thickness of the base course and wearing surface will be verified by coring tests to be taken by the Contractor at various locations as directed by the Town Engineer or Town Official.

Materials and construction procedures shall comply with the latest edition of the "Mississippi Department of Transportation Standard Specifications for Road and Bridge Construction".

Certified testing laboratory results of representative samples of all in place materials shall be submitted to the Department of Public Works for review and recordation.

SECTION 402 PRIVATE STREETS

402.1 Private Streets are allowed provided that the street meets or exceeds Town Specifications and the Subdivision consisting of Private Streets is constructed in accordance with the provisions of this Ordinance and other ordinances of the Town.

402.2 Notwithstanding section 303.1, the extension of existing private streets in residential areas of the Town shall be allowed and if no curb and gutter exists, the extension may exclude curb and gutters. However, except for the requirement of curb and gutter all other Town specifications for streets must be met even though the Street is Private.

402.3 If Private Streets are used, the Subdivider shall provide the Town with sufficient access and easements to maintain utilities and provide Town Services such as garage service and fire protection, if such services are desired.

402.4 Private streets will only be allowed in Residential Developments.

SECTION 403 SIDEWALKS

403.1 Sidewalks shall be required on both sides of the street in all Subdivisions located on property zoned R-1 in accordance with the Zoning Ordinance of the Town.

403.2 All streets inside the development and all abutting streets shall be included under this requirement.

403.3 All sidewalks shall be a minimum of four feet (4') in width, four inches (4") in thickness, sloped toward the roadway and have a minimum of two foot (2') grassed or landscaped median area separating the sidewalk and adjacent curb, unless otherwise approved in writing by the Town Engineer or Town Official. Sidewalks on open ditch type roadways shall be located outside the ditch at or near the right-of-way line.

All maintenance of sidewalks located within Town right-of-way shall be the responsibility of the Town, its agents or assigns.

These requirements shall only pertain to areas encompassed by the subdivision plat.

SECTION 404 ZERO LOT LINE

404.1 Zero Lot Line developments are prohibited.

SECTION 405 UNDERGROUND UTILITIES

405.1 Cable television, telephone facilities and natural gas must be laid underground in all Subdivisions. Electrical utilities may be installed overhead provided concrete poles are utilized and individual service to the private structures are underground. The Town reserves the right to require underground installation of the electrical utilities.

Cable boxes, telephone boxes, electrical boxes, power poles, street lighting, etc. shall be located as near as possible to the lot lines.

SECTION 406 LANDSCAPING REQUIREMENTS

406.1 Landscaping must be provided in all subdivisions in accordance with the adopted Landscape Ordinance.

SECTION 407 PARK AREA SET ASIDE

407.1 The Subdivider of every residential subdivision which is to contain more than twenty (20) lots shall be set aside and convey to a homeowners association or if no homeowners association, to the Town, a green space area for the use and benefit of all property owners in the Subdivision or public park.

407.2 The green space area shall be equal to or greater in size than one (1) typical size lot within the Subdivision and there shall be one (1) green space area for each fifty (50) lots.

407.3 The green space area shall be improved by the Subdivider with landscaping consistent with the adopted Landscape Ordinance and park benches or related equipment selected by the Subdivider and approved by the Town Engineer or Town Official.

SECTION 408 ALLEYS

408.1 No public alleys shall be allowed.

SECTION 409 UTILITY AND DRAINAGE EASEMENTS

409.1 Utility and Drainage Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least fifteen (15) feet wide at ground level or as required by the Town Official. Utility easements shall be provided parallel to

the roadway in residential, commercial, and industrial areas at least 10 feet in width measured outside and adjacent to the street right-of-way for the purpose of accommodating utilities, electrical, cable television, telephone and gas utilities.

409.2 No buildings or other structures will be permitted in easements.

409.3 Fences constructed within easements are discouraged. If so constructed, any removal necessary for the Town to replace, repair or otherwise use it's easement shall be at the expense of the owner of the property at the time of the repair, replacement, or other use.

409.4 Any overhanging limbs, shrubbery, or vegetation of any kind may be removed from within the limits of easements at the sole discretion of the maintenance personnel of the utilities installed or to be installed on or above the easement.

409.5 Where a Subdivision or property is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course or an accepted canal or drainage course, and such further width or construction, or both, as will be necessary for equipment access.

SECTION 410 BLOCKS

410.1 The lengths, widths and shapes of blocks in Subdivisions or along streets shall be determined with due regard to:

a. Provision of adequate building sites suitable to the special needs to the type of use contemplated.

b. Zoning requirements as to lot sizes and dimensions.

c. Needs for convenient access, circulation, control and safety of street traffic.

d. Limitations and opportunities of topography.

410.2 As a usual practice, block lengths shall not exceed 1,320 feet or be less than 400 feet and block widths shall be wide enough to allow two (2) rows of lots that are the dimensions as required by the zoning ordinance of the Town, but the Town may elect to make exceptions in particular cases.

SECTION 411 LOTS

411.1 The lot size, width, depth, and the minimum building setback lines shall conform to the requirements of the zoning ordinance.

411.2 The minimum size of residential lots where a public sanitary sewer is not available shall be determined by a Professional Engineer after studies have been made of the soil conditions existing on the site of the proposed subdivision with the approval of the

Mississippi Health Department and the Town. The costs of such studies shall be borne by the Subdivider.

411.3 Corner lots shall be twenty (20) feet wider than the interior lots with a setback equal to the front setback off of the side street.

411.4 The subdividing of land or division of same by a street shall be such as to provide each lot or parcel of property with access to an existing public street.

411.5 Double frontage and reverse frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least 10 feet and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other incompatible use.

411.6 Side lot lines shall be as close as possible at right angles to straight street lines, and radial to curved street lines.

411.7 Minimum lot size must be exclusive of open drainage ditches. Open ditches will not be allowed along the front or side or rear lot lines except by special permission from the Town Engineer or Town Official.

SECTION 412 MONUMENTS

412.1 Concrete monuments shall be placed at all material changes of alignment along the boundary of the subdivision and iron pins should be placed at all lot corners or changes in alignment in lot boundaries.

412.2 All concrete monuments shall be set with the top thereof flush with finish grade. Where farming operations or other land uses might destroy or disturb the monument, the monument shall be buried underground a sufficient depth to preserve it and referenced to a permanent landmark.

SECTION 413 GRADING

413.1 The Subdivider shall be responsible for all grading in the subdivision or property until the lot(s) are sold. Such grading shall be in accordance with plans approved by the Town and said plans shall show both existing and proposed contours and such other data as the Town may require for adequate review.

413.2 Final cross sections and profile of streets and other installations shall conform to grades approved by the Town.

413.3 All timber, logs, trees, brush, vegetable matter and other rubbish shall be removed and disposed of so as to leave the areas that have been disturbed with a neat and finished appearance.

413.4 All tree stumps, masonry and other obstructions shall be removed to a depth as follows:

For paved areas: Entire stump, masonry and obstructions must be fully removed.
For lawn areas upon which construction is to be made: At least two (2) feet minimum below finished grade.

413.5 Grading shall be continued until the area conforms with the lines, grades, slopes and typical cross sections shown on the approved plans.

SECTION 414 DRAINAGE

414.1 The Subdivider or person shall be responsible for the construction of all drainage facilities.

414.2 All storm drainage systems shall be in accordance with the appropriate sections and subsections of the latest edition of the Mississippi Department of Transportation Design Manual and Standard Specifications for Road and Bridge Construction and shall be subject to approval of the Town. The Town requires that side drains and miscellaneous storm sewers be designed to handle storms occurring on an average frequency of 25 years and duration of 12 hours and minor streams, channels or ditches be designed to hold the 50-year frequency, 12 hour duration storm within its banks. All major streams, channels, open ditches, or drains be designed to accommodate the 100-year frequency, 12 hour duration storm. The Town reserves the right to prohibit the filling of low-lying areas and to zone such areas for uses that would not be damaged by short duration flooding.

414.3 The Drainage Plan will show location and size of pipes and ditches, manholes and catch basins, culverts with headwalls and aprons for same, and bridges, contours of the project, street layout and lotting pattern with lot numbers. The drainage plan will also show the kind, invert elevations and grade of each drainage pipe or channel, and the contributing drainage area along with the calculations supporting the planned improvements.

414.4 The Subdivider may be required to install drainage structures in excess of those required to adequately serve the Subdivision or property in the best interest of the Town as a condition precedent to approval of the Subdivision or area to be served by any street and contiguous downstream areas.

414.5 The design of storm water drainage systems shall ensure adequate control of storm water runoff through the use of the properly sized and positioned drainage structures including, but not limited to, curb and gutter, curb and grate inlets, storm sewer pipe, box culverts, intersectional drains, open ditches and bridges. The design of the storm drainage systems shall be in accordance with generally accepted engineering practice.

The design of any storm water drainage system shall be compatible with master drainage plans developed for and approved by the Town where applicable and the applicable storm water detention requirements.

All drainage facilities shall be designed to prevent excessive runoff onto adjacent properties.

In no case shall channel slopes be steeper than 3:1 unless adequate slope protection is provided and approved by the Town Engineer or Town Official.

414.6 Pipe and culvert sizes shall be selected by use of computed hydrological and hydraulic data. Design flows shall be based on climatic factors such as rainfall intensity, duration, frequency and distribution and physiographic factors such as size, shape, and slope of drainage area, anticipated land use or cover, surface infiltration condition, soil type and topographical condition. Pipe selection shall be based on its hydraulic capacity considering size, slope, and roughness characteristics as well as its tendency to become choked and the ability to clean and remove obstructions.

The minimum storm drainage pipe size shall be 15 inches.

Cross drains shall be provided to accommodate all natural water flow and shall be of sufficient length to permit construction of the full width of the roadway including side slopes. Headwalls or flared end section aprons as well as channel bottom and slope protection shall be provided at the upstream and discharge end of the cross and side drains as required by the Town Engineer or Town Official.

414.7 The horizontal and vertical alignment of streets shall be compatible with the storm water runoff system and drainage design.

The hydraulic capacity of the curb and gutter shall be determined by generally accepted engineering principles taking into consideration roughness, street cross-slope, and street gradient, and allowable spread of water over the travel lane.

The hydraulic capacity of curb opening and gutter grate inlets shall be determined by generally accepted engineering principles taking into consideration inlet geometry and characteristics of the gutter flow. Inlets shall be spaced so as to limit the spread of water to not more than one quarter of the street width during a design store of five (5) year return period and 30 minute duration. Inlets shall also be placed at all low points in the gutter grade, at intersection where necessary to prevent gutter flow from crossing traffic lanes of an intersecting street, or at points of special concern as designated by the Town Engineer or Town Official. Inlets shall be provided so that surface water shall not be carried across or around any intersection nor for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block

414.8 The Developer's Engineer shall study the effect of each development on existing downstream drainage facilities both inside and outside the area of the subdivision. Town drainage studies, if applicable, together with such other studies as shall be appropriate,

shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Town Engineer or Town Official may recommend withholding approval of the development until provision has been made for the improvement of said potential condition through storm water detention or some other acceptable means. No development shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

414.9 The structural design of all box culverts or bridges shall conform to the state standard plans of the Mississippi Department of Transportation for a live load capacity of HS15-44 minimum. Bridges, where required, shall be constructed of reinforced concrete or structural steel with a reinforced concrete deck. No mud sills or timber grills will be permitted for bridge foundations. All bridges shall be provided with substantial guard rails and if required, sidewalks.

414.10 All material used in the construction of storm drainage systems shall conform to the following minimum specifications.

(a) Concrete shall be ready mix a per ASTM C-94 which will develop a minimum compressive strength of 3,000 psi at 28 days conforming to ASTM C-31.

(b) All reinforcing steel shall conform to ASTM A-615.

(c) Bricks used in the construction of inlet boxes and manholes shall conform to ASTM C-32, Grade MA.

(d) All Portland Cement shall conform to ASTM C-150, Type 1.

(e) All sand shall conform to ASTM C-33

(f) All mortar shall consist of 1 part cement, 2 parts sand, and 10% lime (by volume).

(g) All culvert pipe shall be reinforced concrete pipe. This pipe shall conform to ASTM C-76, and be Class III minimum, standard strength, bell and spigot or tongue and groove. All pipe under streets shall be reinforced concrete pipe. If not under streets, pipe may be asphalt coated or polymer coated corrugated metal pipe or high density polyethylene. All pipe must meet or exceed DOT standards.

(h) Rubber gaskets shall conform to the requirements of ASTM C-443. Mortar joints shall not be used to join concrete pipe. Plastic points are allowed.

(i) Precast concrete manholes shall conform with ASTM C-478.

(j) Castings shall conform to ASTM A-48. Manhole covers and rings shall have a combined weight of not less than 300 lbs. and be suitable for traffic loads.

414.11 Installation requirements are as follows:

(a) Any materials delivered to a job site defective or damaged shall be rejected by the Town and shall not be used for construction.

(b) All concrete pipe, catch basins, curb inlets and headwalls shall be installed in strict accordance with the manufacturers recommendations and/or all applicable provisions of the Mississippi Department of Transportation Standard Specifications for Road and Bridge Construction.

(c) All pipe shall be laid to alignment and grade with the use of a laser. Batter boards and string are permitted.

(d) No more trench shall be opened than can be effectively utilized in a day. Excavations to be left open during non-working hours shall be kept to a minimum. Such openings shall be adequately protected or marked to prevent injuries.

(e) Backfilling shall be carried out as follows:

i. In areas under streets, walks, or parking areas the backfill shall be placed in 9" lifts and compacted to a minimum of 95% of standard proctor density by ASTM D-698 using mechanical devices designed for that purpose.

ii. In all other areas the backfill may be placed in 12" lifts compacted to 90% of standard proctor density by ASTM D-698.

SECTION 415 WATER SUPPLY

415.1 The Subdivider shall be required to provide an adequate supply of potable water to all lots in the subdivision or on the property. The water supply shall be sufficient to satisfy the needs of both domestic use and fire protection. The distribution system shall be so designed and constructed as to form an integral part of the Town's distribution system and shall be in accordance with current Town practices as well as the standards of the State Health Department and the State Fire Rating Bureau.

415.2 Fire hydrants shall be installed on water mains only, shall be AWWA approved type with 5½ inch opening installed at the extremity of a six (6) inch minimum diameter pipe and shall be so located such that no lot will be in excess of 500 feet from a fire hydrant with the measurement being made along the streets. Both valves and hydrant shall be installed with ductile iron anchor couplings to the main. Fire hydrants in commercial districts shall not exceed 300 feet spacing.

415.3 All valves shall be AWWA approved and shall be installed at junctures to enable isolation of line segments for maintenance.

415.4 The Subdivider may be required to install water mains, fire hydrants, and valves in excess of those required to adequately serve the subdivision or property.

415.5 All Subdivisions or property to be served by any street constructed pursuant to the terms hereof must obtain water service from the Town.

415.6 Water mains shall be designed, constructed and properly connected with the public water supply system in such a manner as to adequately serve all lots shown on the subdivision plat for both domestic and fire prevention purposes and shall adhere to the minimum requirements set forth hereinbelow:

(a) Water distribution systems shall be designed using the Water System Method. The Hazen-Williams formula shall be used in computing head loss.

(b) Water distribution systems shall be designed for the peak hour flow or the maximum day flow plus fire flow whichever is greater.

(c) The water distribution system shall be designed so that the following range of dynamic pressures are provided: 50 to 80 psi for average daily flows; 20 psi to 30 psi for peak hour flows; 20 psi to 50 psi for maximum daily flow plus fire flow. The minimum dynamic pressure at any point shall be 20 psi. The maximum static pressure at any point shall not exceed 80 psi.

(d) The maximum design velocity shall not exceed 5 fps

(e) Water distribution systems shall be laid out on a grid system with cross connections at cross sheets. Dead end pipes shall be avoided whenever possible.

(f) Valves shall be installed at each intersection or change in pipe size, and shall be placed so that no single case of pipe breakage shall require shut-off from service of an artery of more than 500 feet of pipe in high value districts, or more than 1000 feet of pipe in any area or as directed by the Town Engineer or Town Official. All valves shall be tied to mains with anchor couplings or mechanical joint fittings.

(g) Mains shall be a minimum of 6” in diameter where length is 600 feet or less and must be gridded or looped from more than one source of supply wherever possible. Mains installed for distances greater than 600 feet shall be 8” in diameter and larger, gridded or looped with more than one source of supply. The size shall be determined by using accepted engineering calculation methods as approved by the Town Engineer or Town Official.

(h) Service lines shall be installed from the main to the property line. The service assembly shall consist of a curb stop set to finish grade.

(i) The calculating method for areas of higher density development potential, based upon the zoning of the properties to be served, shall reflect the higher density development and the main size increased, if conditions warrant. The requirements for water distribution systems serving commercial and industrial developments shall be determined by engineering analysis based on specific water requirements for the type of use intended or those required by the height and density permitted by the zoning classification of the property, whichever is greater. Newly installed systems shall be pressure tested at 150 pounds for 24 hours, or as directed, under the inspection of The Town of Terry personnel or the Town Engineer or Town Official. Allowable leakage shall be computed based on the following:

$$L = \frac{ND(P^{.5})}{7{,}400}$$

L = Allowable Leakage per hour
N = Number of Joints in the length tested
D = Nominal diameter of the pipe in inches
P = Average test pressure (normally 150 p.s.i.g.)

Certified test results will be submitted to the Town Engineer or Town Official by the Developers Engineer for each line tested.

All newly installed systems shall be disinfected and must pass bacteriological tests to the satisfaction of the Town Engineer or Town Official, and the Mississippi State Department of Health, prior to placing said system in service, or accepted by the Town. All water used in hydrostatic tests shall be potable water; containers holding water shall be sterile. It shall be the responsibility of the developer or his Contractor, to reimburse the Town of Terry for tie-ins to existing mains, if made by the Town. Where possible, water mains shall be located in the street right-of-way at least four (4) feet from the edge of the sidewalk or pavement or as approved by the Mayor and Board of Aldermen or the Town Engineer or Town Official.

415.7 All material used in the construction of the water supply system shall conform to the following minimum specifications:

(a) Ductile iron pipe shall be water pipe manufactured in accordance with the American National Standards Institute, Incorporated (ANSI) Standard Specification A-21.51. The metal thickness of ductile iron pipe shall be as specified in ANSI Standard Specifications A-21.51, Pressure Class 350, or as directed. Unless special bedding conditions are specified by the Engineer, the maximum depth of cover for the various classes of ductile iron pipe shall not exceed that specified by the manufacturer or approved by the Town Engineer or Town Official. All ductile iron pipe shall be coated outside with a standard bituminous coating and lined inside with a cement-mortar lining in accordance with ANSI/AWWA C104/a2l.4.

(b) PVC pipe shall conform to all of the latest revisions of the following specifications:

ASTM C-900, Class 150

The pipe shall bear the National Sanitation Foundation seal of approval and shall be designed to carry potable water at pressures (including surges) up to the maximum class rating. Pipe shall not excess 40 feet in length and be pressure rated, as required by the Town Engineer or Town Official, and have a stop mark on the plain end of each piece of pipe supplied. Pipe supplied shall be of the quality manufactured by Certain-Teed, Can-tex or an approved equal. Pipe joints shall be of the integral belled type elastomeric gaskets, conforming to the AWWA C-900.

(c) Gate valves shall be standard AWWA, non-rising stem, iron body bronze mounted resilient seated and tested to 350 psi. Valves shall be open by turning counter-clockwise, be equipped with "O" Rings Seals at the top of the stem, and a 2" operating nut. The valves shall be American-Darling, Mueller, or approved equal. Tapping valves shall be similar in design to AWWA gate valves.

(d) Valve boxes shall be installed on all valves. Boxes shall be cast iron with a 5¼' shaft adjustable to appropriate height to be flush with ground, and with the correct base for each size valve. The boxes shall be as manufactured by M & H or an approved equal with a cast iron drop-in lid marked "water".

(e) Concrete shall develop a compressive strength of 3,000 pounds per square inch at twenty-eight (28) days.

(f) The steel casing pipe shall conform to ASTM designation A-53 and have a A.R.E.A. Standard thickness and be coated inside and outside with coal tar enamel meeting the requirements of AWWA Specification C-203, latest edition.

(g) Fire hydrants shall be the improved traffic type with one (1) 5¼" pumper and two (2) 2½" openings as manufactured by the Mueller Company or an approved equal, with NSF threads.

(h) Meter boxes shall be plastic or cast iron, approximately 12" x 18" deep. Prior approval by the Town Engineer or Town Official will be required.

(i) Curb Stops shall be Mueller Mark II or approved equal.

(j) Corporation stops shall be as manufactured by the Mueller Company or equal.

(k) Branch connections shall be as manufactured by Mueller Company or equal.

(l) Copper service line, if called for, shall be seamless copper tubing suitable for underground water services. This material shall be supplies in conformance with ASTM Specification B-88-62 'Type K".

(m) An AWWA C 902, 250 psi, polybutylene service pipe may be used which is approved by the National Sanitary Foundation for use with potable water.

(n) Air release valves, shall be installed at high points on the lines as required or as directed by the Town Engineer or Town Official and shall be APCO or equal.

(o) Blow-off valves shall be placed on all dead end lines or as directed by the Town Engineer or Town Official and shall employ an American made 1½" AWWA approved bronze gate valve, pressure rate at 125 psi, a meter box and marker.

415.8 All installation, construction, backfilling and testing shall be in strict accordance with the manufacturers recommendations and the requirements of the Mississippi State Department of Health, Town Engineer or Town Official. A minimum of 36" of cover is required over pipes. Thrust blocks shall be installed at all bends, and at all tees, caps, and plugs. Thrust blocks will be of concrete.

SECTION 416 SANITARY SEWERS

416.1 Sanitary sewers shall be constructed by the Subdivider, shall provide a minimum of one 4" connection for residential property and 6" minimum for commercial and industrial property at the street boundary line for each lot or parcel of record and shall be so designed and constructed as to form an integral part of the sanitary collection system of the Town and shall be in accordance with all applicable state and local laws pertaining to sewage collection.

416.2 All sewer pipe shall be ductile iron pipe or vitrified clay or polyvinylchloride. Sewer pipe installed with trench depth up to and including ten (10) feet shall be standard strength, and for trench depth greater than ten (10) feet, extra strength pipe shall be used in accordance with standards for same as set forth by the particular pipe manufacturer.

416.3 All joints shall be either rubber gasket, preformed plastic joint or factory cast plastic seal.

416.4 The minimum diameter pipe for sanitary sewers shall be eight (8) inches. Minimum diameter service pipe for house connection shall be four (4) inches for single-family dwellings and six (6) inches for multifamily dwellings. House connections shall be stubbed out to each lot Property Line before street construction, and plugged with extended sewer stub marker tape from pipe to surface.

416.5 The minimum slope allowable for 8" sewer line will be 0.40 feet per 100 feet.

416.6 Manholes shall be no more than four hundred (400) feet apart and at each change in alignment or grade and shall be provided with traffic grade cast iron lids and frames.

416.7 There shall be a minimum of ten (10) feet horizontal separation between all parallel sanitary sewer and water mains.

416.8 Any sewer main exposed in open ditches shall be Class 50 ductile iron for mains and for services.

416.9 Infiltration in any section of sewer main or service line shall not exceed 200 gallons per day per inch diameter per mile of pipe.

416.10 When any one of the sanitary sewers within a proposed subdivision or property, or sewers necessary to connect the proposed subdivision with the Town sewer system or an outlet acceptable to the Town are so located that portions thereof may be a segment of a sanitary sewer main or outfall, the Subdivider person may be required to install sewer pipe for that portion of the line which may become a main or outfall sewer of such size as may be necessary to facilitate future expansion of the sanitary sewer system.

416.11 The minimum design standards of the sanitary sewer system for each subdivision shall conform to the following:

1. Minimum cover - three (3) feet. Depth as necessary to serve the proposed area and as needed to serve remainder of drainage basin.

2. Minimum stubout diameter - 4 inch, one stubout located in center of each lot not less than 3 ft. nor more than 4 ft. below finished grade.

3. Top manhole elevation - minimum shall be to finished grade or 1' above 100-year flood elevation whichever is greater. In undeveloped areas, tops shall be minimum of 30" above ground elevation.

416.12 The use of sewer lift stations should be minimized. However, when pump stations cannot be avoided, they should be designed for easy maintenance, maximum operating life, and adequate pumping capacity. The design calculations must show flow rates and velocities for the pump station and force main. Some requirements for pump stations include:

(a) Minimum of two (2) pumps, each of which has capacity to handle the expected load. Pumps to operate at non-overloading condition across full operating range.

(b) Adequate controls with overload and lightning protection, phase failure protection, and alternators.

(c) Adequate pump housing and heaters to prevent freezing.

(d) Adequate wetwell and single pump capacity for calculated peak flow. Wetwell and discharge piping/valves shall be sized for entire drainage basin and other areas which may be practicably pumped to basin based on concurrence of Town Engineer and/or Town Official.

(e) Necessary access roads and security fencing.

(f) Minimum flow velocity of 2 feet per second in force main, with a maximum of 12 feet per second with dual pump operation.

(g) Adequate vented wetwell.

(h) Gate and check valves on discharge lines located outside of wetwell in separate concrete vault.

(i) Non-corrosive side rails with stainless steel lifting chains on submersible pumps.

416.13 All material used in the construction of the sanitary sewer system shall conform to the following minimum specifications.

(a) The gravity sewer pipe shall be constructed of extra strength vitrified clay, ASTM serial designation C-700; ductile iron pipe, ANSI standard specifications A-21.50 Class 50 and coated outside with standard bituminous coating and lined inside with polyethylene or epoxy lining 40 mils in thickness with rubber gasket joints; or PVC (polyvinyl chloride) ASTM D-3034, SDR-26.

(b) Sanitary sewer manholes/wetwells shall be precast concrete with reinforced riser sections, and eccentric cone or flat slab top section and a base section. Riser section shall conform to the latest edition of ASTM Serial Designation C-478. The interior surfaces of all manholes/wetwells shall be coated with 24 mills coal tar epoxy in strict accordance with the coating manufacturers recommendations. Joints for precast manhole/wetwell sections shall be a combination of rubber gaskets, preformed bituminous joint compound, and a mastic joint material.

(c) Frames and covers for manholes shall conform to ASTM Standard Specification A-48 for “Gray Iron Castings”, “Class 25” Castings shall be manufactured to the sizes and shapes as illustrated on the Construction Drawings or as specified by the manufacture’s model number. Frames shall be furnished with a 1” lip protruding into the reinforced concrete cone.

(d) Each wetwell and discharge piping valve pit shall have aluminum access hatches. The frame shall be cased in a concrete cover. Minimum hatch openings shall be 36” x 36” for wetwells and 30” x 30” for valve pits, or larger as required for proper access to the equipment. Hatches shall be equal to Haliday Series H except when subject to traffic, a H-20 loading design is required.

(e) Steps for manholes shall be the plastic coated corrosion resistant Perma Step PS-I-PF as manufactured by Utility Products, Incorporated of San Antonio, Texas, or Liver Tire and Rubber Company of Oakland, California, rubber encased “Surefoot” Manhole Step, or equal.

(f) The force main pipe shall be constructed of ductile iron pipe, ANSI Standard Specification A-21.50 with rubber gasket joints or PVC pipe, pressure rated at 200 with a standard dimension ratio (SDR) of 21 for both barrel and joint dimensions. Where PVC pipe is utilized, it shall be so marked to identify as sewer piping. The joints shall be the factory installed heavy-duty type elastomeric gaskets in conformance with the requirements of ASTM F-477.

(g) Air release and air release vacuum valves shall be installed at all high points on force mains. Valves shall be equal to those by Crispin or APCO for the particular application needed. Valves shall be placed in a concrete pit as per Town's Standard Details.

(h) All pump stations shall be duplex stations with non-clog solids pumps capable of passing a 3" diameter solid. Submersible pumps shall have two (2) mechanical seals on the motor. The lower one outside the motor and protecting the upper one which is in an oil filled chamber. Moisture detection probes in the oil filled seal chamber shall be connected to the control panel to indicate the presence of moisture in the seal chamber. Thermal overload protectors shall be embedded in the motor in the event of overload. Motor shall be approved by Underwriters Laboratories for an explosion proof atmosphere. Motors shall be furnished with overload protectors. The controls shall be a duplex pumping plant panel complete with combination starters with circuit breakers, automatic, alternator, mercury float switches or air bubblers for liquid level control, running lights, pump failure lights, three (3) running time meters, lightning arrestor, condensation heater, panel lighting, GFI duplex outlet, engraved plastic labels and main circuit breakers. Moisture sensor relays with lights indicating seal failure, all in NEMA 3R enclosure with H-0-A selector switches in cover shall be provided. A red exterior high water alarm light shall also be required in a visible location at the station site. All conduits entering the control panel shall be equipped with gas tight fittings to prevent the intrusion of sewer gases into the control panel.

416.13 All installations, construction, backfilling and startup operations shall be in strict accordance with the manufacturers recommendations and the requirements of the Town Engineer or Town Official.

416.14 (a) Before acceptance, each section of line between manholes or such other length as determined by the Town Engineer or Town Official to be suitable, shall be thoroughly inspected and any defects in workmanship shall be immediately corrected.

(b) Infiltration testing of the completed gravity sewer system (after backfilling) shall be conducted. The testing shall be conducted by the CONTRACTOR in the presence of the Town Engineer or Town Official. The Engineer shall be given at least 24 hours notice before tests are to be conducted. If the ground water table is at least three feet above the top of the pipe at all points, the infiltration test shall be used. Otherwise, the air test shall be used. Only those sections under the groundwater table shall be tested by the infiltration test.

(c) The infiltration test shall be conducted between adjacent manholes. The outlet pipe on the downstream manhole shall be plugged and tested for water tightness to the satisfaction of the Town Engineer or Town Official. The accumulated depth of water in the downstream manhole shall be read at 12-hour intervals for two days and the infiltration rate calculated from the data obtained. Any section exceeding an infiltration rate of 200 gallons/day/inch/diameter/mile shall be re-laid. If the leakage in any reach exceeds the allowable maximum, the reach shall be re-tested after the leaks are repaired. This means that the Contractor shall locate and repair leaks as necessary to pass the infiltration test.

(d) The sewer line to be air tested shall be tested between manholes. The line shall be sealed at both ends. The seal at one end shall have an orifice through which to pass air into the pipe. An air supply shall be connected to the orifice at one end of the line. The air supply line will contain an on-off gas valve and a pressure gauge having a range of 0 to 15 psi. The gauge shall have minimum divisions of 0.10 psi and shall have an accuracy of more or less 0.04 psi. Pressuring equipment should include a regulator or relief valve to avoid over pressuring and damaging an otherwise acceptable line. The pipeline under test shall be pressurized to 4 PSIG. The line will be allowed to stabilize between 4 PSIG and 3.5 PSIG for a period of no less than 5 minutes. If necessary, air should be added to the line to maintain the pressure above 3.5 PSIG. After stabilization period, the gas valve shall be closed. When the line pressure drops to 3.5 PSIG, commence timing with a stopwatch. The stopwatch should be allowed to run until such time as line pressure drops to 2.5 PSIG. Then the watch should be stopped and the time lapse compared with the allowable time lapse in Table I below, which follows for the pipe size used. If the time lapse is greater than the allowable, the section undergoing testing shall have passed, and the test may be discontinued at the time. If the time is less than the allowable the line has not passed the test and the Contractor will be required to, find the leaks, repair them and re-test until the section passes at his own expense.

TABLE 1
MINIMUM TEST TIME FOR VARIOUS PIPE SIZES

Nominal Pipe Size, in.	T (time) min./100 ft.	Nominal Pipe Size, in.	T (time) min./100 ft.
3	0.2	21	3
4	0.3	24	3.6
6	0.7	27	4.2
8	1.2	30	4.8
10	1.5	33	5.4
12	1.8	36	6.0
15	2.1	39	6.6
18	2.4	42	7.3

(e) 100% of the PVC gravity sewer shall be tested using a "go, no-go" mandrel which is sized to such dimensions that it will not "go" when encountering a deflection greater than 5%.

(f) Pipeline alignment shall be checked with a light of sufficient intensity to be seen from one manhole to the next. A full circle of light must be seen from each direction.

(g) Force mains shall be tested in same manner as water mains.

(h) All lift stations shall be started up and demonstrated by an authorized representative of the manufacturer. Pressure gauges shall be furnished on the discharge side of each force main and shall be readily convenient for observation. The pumps, controls, and discharge piping and valves shall be fully checked and adjusted for all operational sequences. A performance test shall be made on each pump to determine the actual field pumping range and TDH. Two (2) O & M Manuals for each lift station shall be provided to the Town.

(i) The completed gravity flow system shall be free of all mud, siltation and other foreign matter deposited or collected during construction. Flushing shall commence at the upstream end of the completed system and continue downstream manhole to manhole. Only water from an approved source will be permitted. Water used in flushing will not be permitted to enter into the existing system but shall be disposed of in a manner acceptable to the Town Engineer or Town Official. Flushing shall be accomplished prior to testing should the collected matter be sufficient in quantity to obstruct or affect the testing. Flushing will not be required in those sectors of the installed pipes and manholes where the exfiltration tests have adequately cleaned the mains.

SECTION 417 WATER DISTRIBUTION SYSTEMS AND STORM OR SANITARY SEWERS OUTSIDE THE CORPORATE LIMITS

417.1 Town policy regarding the construction or extension of water distribution systems and storm or sanitary sewers outside the corporate limits of the Town shall be as follows:

(a) Any water distribution system, storm sewer or sanitary sewer or appurtenance thereto constructed outside the corporate limits of the Town to connect with or discharge into a like facility owned by the Town shall be constructed in accordance with the requirements established by this Ordinance before such connection or discharge will be permitted. If any such facilities are not constructed in accordance with these provisions and at some future time, the Town extends its area to include the facilities or any part thereof, the Town may replace the entire facility or any part thereof which it determines to be unsatisfactory and assess the cost of replacement against the property benefited in accordance with the Mississippi Code Annotated. Further, the Subdivider or

person may be required to install storm sewers, water mains, fire hydrants, sanitary sewers, valves and related appurtenances in excess of those required to adequately serve the Subdivision or property for that portion of the line which may be necessary to facilitate future expansion of the storm, water or sanitary sewer system.

(b) Any subdivision located outside the Town limits which connects to Town water and/or sewer must also comply with other provisions of this ordinance and other ordinances of the Town governing development of a subdivision.

SECTION 418 FLOODPLAIN AREAS

418.1 Land subject to flooding with a frequency of a one hundred (100) year flood shall not be subdivided or developed unless precautionary measures are taken to minimize flood hazards. All building grades shall be raised to an elevation one (1) foot above the maximum flood elevation of a one hundred (100) year flood calculated for the area in which the proposed Subdivision or property is situated. This is provided, however, that no fill shall be made, or any subdivision constructed or property improved, which will increase flood hazards to other lands, or in any manner impede or restrict the flow of water in a flood situation. All areas which will remain subject to flooding after the subdivision is constructed shall be delineated on the final plat. No development or improvements shall be allowed in FEMA designated floodways.

418.2 All utilities and facilities, such as water, sewer, gas, and electrical systems, shall be located, elevated, and constructed to eliminate or minimize flood damage; and adequate drainage shall be provided so as to reduce exposure to flood hazards.

SECTION 419 PLANTINGS

419.1 No planting, other than lawn grasses, shall be allowed, except regulatory signs and street name signs, within 15 feet of the street right-of-way boundaries without approval by the Town Engineer or Town Official.

SECTION 420 GAS UTILITIES

420.1 Where a Gas Utility desires to locate a gas distribution system in a subdivision or property, the system piping shall be located in the street right-of-way or other Town approved easement and the exact location will be coordinated with other underground utilities. The gas piping courses shall yield position to gravity-governed utilities.

SECTION 421 ELECTRICAL POWER AND STREET LIGHTING

Street lights shall be located at least one for each eight (8) lots and at each street intersection. The lights shall be 150 watts high-pressure sodium with photoelectric cell for automatic operation. The poles shall be precast concrete or an approved substitute.

An installation of conduit and wiring shall be underground. The electrical boxes and street lights shall be located as near as possible to the lot lines.

No Transformer shall be set in front of or within five (5) feet of a fire hydrant. Underground wiring and poles shall be located along front lot lines within the street right-of-way where possible.

ARTICLE V

VARIATIONS AND MODIFICATIONS

SECTION 500 HARDSHIP VARIANCE

500.1 Where the Governing Authority finds that extraordinary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variation will not have the effect on nullifying the intent and purpose of these regulations. No variance will be granted unless it is found that:

(a) Literal interpretation of the provisions of this Ordinance would deprive the Owner of reasonable use of their land; and

(b) Granting of the variance would 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.

(c) Any other reason which the Mayor and Board of Aldermen determine appropriate to utilize the variance.

500.2 All requests for variances shall be made in writing to the Town Official or the Town Engineer and specifically state the provision from which a variance is requested.

SECTION 501 PLANNED UNIT DEVELOPMENT

501.1 The standards and requirements of these regulations may be modified by the Governing Authority in the case of a plan and program for a new village, a complete community, or a neighborhood unit, which in the judgment of the Governing Authority provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated and which also provide such covenants or other legal provisions as will assure conformity to and achievement of the Comprehensive Plan or these regulations.

SECTION 502 CONDITIONS

502.1 In granting variances and modifications, the Governing Authority may require such conditions as will secure substantially the objectives of the standards or requirements so varied or modified.

ARTICLE VI

ADMINISTRATION

SECTION 600 ADMINISTRATION

600.1 Final approval of plats and other data shall be the responsibility of the Governing Authority as described by law.

600.2 It shall be the duty of the Town Engineer or the Town Official to:

a. Consult with the Subdivider at the preapplication conference to provide technical knowledge and professional experience;

b. Review all Subdivision or street maps, plats, construction plans and supplementary data for conformance with the requirements of these regulations and to inform the appropriate Town agency or Governing Authority, as required, of his findings;

c. Determine requirements governing the design or construction of required improvements in cases where no Town standard exists; and

d. Inform the Governing Authority when said Authority is considering Final Plat approval whether or not the subdivision is in substantial conformance with these regulations.

600.3 The Governing Authority may, from time to time, issue instructions and operating procedures to be followed in the administration of these regulations to the end that the public may be informed and that approval of plats be expedited.

600.4 No building permits shall be issued by the Town for any structure on a lot for which the Final Plat has not been approved and recorded in the manner prescribed herein.

600.5 No building permit shall be issued by the Town for any structure on a lot which does not front on a legally established public street, or approved private street, which street must have a right-of-way width of not less than fifty (50) feet except in private streets in existence on the date of this Order.

600.6 No building permit shall be issued by the Town for any structure on a lot for which there is not a Town approved Lot Grading Plan which conforms to the Subdivision Grading and Drainage Plans.

SECTION 601 FEES

601.1 At the time of filing application with the Town requesting Preliminary Plat approval, the subdivider shall pay to the Clerk a filing fee of $750.00 plus $15 for each lot included in the Plat. For Street Plats the fee shall be $750.00. This fee includes, but is not limited to, costs of plan review and inspections by the Town Engineer or Town Official, Town personnel and Town Attorney. In the event the time spent on subdivision review exceeds an amount equal to $750.00, the Subdivider shall pay such additional amount to the Town Clerk within ten (10) days of demand for same, but such additional amount shall not exceed $750.00. No Final Plat shall be approved by the Town until all fees and costs have been paid.

SECTION 602 ONE-YEAR WARRANTY

602.1 Prior to the final acceptance by the Town of the dedicated utilities and streets, a one year warranty shall be submitted by all prime contractors for their phase of the work and by the owner for all the work performed. A Performance Bond shall remain in full force and effect through the warranty period.

SECTION 603 AMENDMENTS

603.1 The Governing Authority may from time to time adopt amendments that will tend to increase the effectiveness of these regulations. The regulations may be revised or amended by the Governing Authority as required by law.

SECTION 604 PENALTIES

604.1 Any person, firm or corporation using an unapproved and unrecorded plat in the sale of subdivided land or violating any of the terms or provisions of these regulations shall be guilty of a misdemeanor and, upon conviction, shall be punished by fine of not more than $250. Each violation and each day of failure to comply with the provisions of these regulations shall constitute a separate violation.

SECTION 605 SEVERABILITY

605.1 If any section, subsection, paragraph, sentence, clause or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portion of this ordinance, which shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

SECTION 606 CONFLICT

606.1 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 607 EFFECTIVE DATE

607.1 This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

SO ORDAINED AND ADOPTED, this the _____ day of _____, 2006.

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The above and foregoing Ordinance having previously been reduced to writing a motion was made by Alderman _____, and seconded by Alderman _____ to approve and adopt the Ordinance and no request having been made by any member of the Mayor and Board of Aldermen that said Ordinance be read by the Town Clerk before a vote was taken. Said Ordinance was adopted by the Board of Aldermen with the results being as follows:

Alderman _____	voted	_____
Alderman _____	voted	_____
Alderman _____	voted	_____
Alderman _____	voted	_____
Alderman _____	voted	_____

The motion having received the affirmative vote of all members of the Board of Aldermen present, the Mayor declared the motion so carried and this Ordinance ordained and adopted on this the _____ day of _____, 2006.

_____
Mayor

ATTEST:

_____
Town Clerk
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