

Chapter 23

STREETS AND SIDEWALKS

- Art. I. In General, secs. 23-1 --- 23-15
- Art. II. Sidewalk, Curb and Gutter Construction, secs. 23-16 --- 23-33
- Art. III. Excavations, secs. 23-34 --- 23-44
- Art. IV. Utility Poles, Construction, Etc., secs. 23-45 -- 23-60
- Art. V. Moving Buildings and Oversized Loads Over Streets,
secs. 23-61 --- 23-69

Article I. In General

Sec. 23-1. Base or datum level established.

A. The base or datum for the levels of the city shall be and the same is hereby fixed as the plane of low water marks of Leaf River, November 30, 1900, and is thirty and eighteen hundredth feet below X on the upper side of stone cap to the southwesterly abutment to main bridge of the New Orleans and Northeastern Railroad, crossing the Leaf River and situated in the northeastern part of the city, and is forty-four and eighty-four hundredths feet below X on the upper side of stone base (twenty-eight inches above sidewalk) to columns at the northwesterly corner of Citizens Bank Building situated on the southeasterly corner of Main and Front Streets, and is forty-three and four hundred and thirty-two thousandths feet below X on the upper side of stone water table to Bufkin and Cadenhead's Drug Store Building taken as the northwesterly face of said building, situated on the southwesterly side of Main Street between Pine and Front Streets, corner of alley, and is forty-one and eight hundred and eighty-four thousandths feet below X on the upper side of stone step to Pine Street entrance to First National Bank Building situated on the northwesterly corner of Main and Pine Streets.

B. The low water mark of Leaf River on the date mentioned in paragraph (A) was one hundred and fourteen four hundred and thirty-six thousandths feet above sea level. (Ord. 245, secs. 1-2, 2-8-06)

Sec. 23-2. Street widths.

All streets, avenues and alleys hereafter dedicated to, or in any manner acquired, opened or laid out by the city shall not be less than required by the Comprehensive Plan of the City, unless otherwise recommended by the department of public services and approved by the mayor and council. (Ord. 237, secs. 1-2, 12-8-05)

Sec. 23-3. Numbering premises required.

This section is adopted for the purpose of the implementation and maintenance of structure addresses; the implementation thereof, within the City of Hattiesburg, will be the responsibility of the Emergency Management District in accordance with the Uniform Addressing System of Forrest and Lamar Counties. (Ord. 2664, sec. 1, 10-20-98)

Sec. 23-3.1. New Structures and Mobile Homes and Transfers.

A. All persons, firms, corporations and other legal entities constructing new structures or locating or relocating mobile homes or transferring service in the City shall obtain an address notification form or serial number, duly issued by The Emergency Management District, Address Systems Office.

B. No utility company operating in the City shall furnish its utility services for any new structure or mobile home, including a mobile home that is moved from one location to another or a resident which is moved from one location to another, until it has been issued a valid address and either issued an address notification form or provided with the serial number from the address notification form as issued by The Emergency Management District, Address System Office. A "new structure" is defined as a house or apartment newly constructed, being occupied by the applicant for the first time and which will require an installation visit to obtain service. The subscriber will be required to provide proof that an address notification form has been obtained or that a proper address has been issued. Proof shall consist of providing the assigned street and structure number and serial number of the address notification form as issued by The Emergency Management District, Address System Office.

C. Applicant shall apply for the address notification form from The Emergency Management District, Address System Office. Application may be made via telephone or in writing to the Emergency Management District, Address System Office. The Emergency Management District, Address System Office, shall furnish the applicant with sufficient copies of the address notification form necessary to present to the utility companies and the United States Postal Service, if requested by said utilities and Postal Service. When a request is made for an address, the approximate location will be obtained from the resident along with any identifying structures or landmarks which may help locate the structure or property requiring the address.

D. As soon as it is practically possible after a request is made for an address to The Emergency Management District, Address Systems Office, an address shall be issued and the necessary form filled out and a serial number assigned to the structure. The Address Systems Office shall maintain a record of all addresses issued.(Ord. 2664, sec. 2, 10-20-98)

Sec. 23-3.2. Posting of designed address numbers.

The owner of occupancy or person in charge of any house, building, mobile home or other structure to which a number has been assigned shall:

A. Within 30 days after the receipt or notification of such number, affix the number in a conspicuous place.

B. Remove any different number which might be mistaken for or confused with the number assigned to said structure by the issuing authority.

C. Each principal building or structure shall display the number assigned to the frontage on which the front entrance is located. In case the principal building or structure is occupied by more than one business or family dwelling unit, each separate front entrance shall display a separate number. Where suite or lot numbers are assigned, the suite or lot number shall also be displayed in the same manner as the house number.

D. Numerals indicating the official numbers assigned to each principal building, or each front entrance to such building, shall be posted in a manner as to be legible and distinguishable

from the street or road on which the property is located, with numbers painted or applied of not less than two inches (2") in height.

E. Mail boxes shall be marked with the house number.

F. If the structure is not visible from the street or road on which it is located, and no mail box is beside the driveway leading to the structure, a sign or number post shall be erected which will allow the numbers to be displayed either vertically from the top down or horizontally. (Ord. 2664, sec. 3, 10-20-98)

Sec. 23-3.3. Penalty

Any person who shall fail or refuse to comply with the Uniform Addressing System requirements by failing to affix the number assigned within thirty (30) days after notification or by failing within said period of thirty (30) days to remove any old numbers affixed to such house, or house entrance, or elsewhere, which may be confused with the number assigned thereto, said owner or occupant upon conviction, shall be punished by a fine of not less than one hundred (\$100) dollars for every day, not exceeding one thousand dollars (\$1,000) or imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment in the discretion of the municipal judge. (Ord. 2664, sec. 4, 10-20-98)

Sec. 23-4. Tree branches overhanging sidewalks.

The owner and occupant or either of them of any lot or parcel of land, along or on which any tree is standing so that the limbs or branches extend across, or over any sidewalk, shall keep such tree trimmed so that no branch or limb shall at any time be less than eight feet above the walk, any person failing to comply with the requirements of this section shall, upon conviction, be punished as is provided in Sec. 1-10 and each day's violation hereof shall constitute a separate offense. (Ord. 172, sec. 3, 2-5-02)

Cross reference.---For provision of Code requiring grass, rubbish, etc., be removed from sidewalk, see sec. 11-3.

Sec. 23-5. Automobile repairs, cleaning, storage or display for sale, rent and hire, on streets, etc., prohibited.

A. It shall be unlawful for any person to wash, clean or repair any automobile, auto-truck, wagon, trailer, seminaries or any other vehicle of any kind on the streets, sidewalks or street right-of-way area in the city.

B. It shall be unlawful for any person or the employee or employees thereof to park any automobile, auto-truck, wagon, trailer, semi-trailer or any other vehicle of any kind on the streets, sidewalks or street right-of-way area in the city for the purpose of storing such vehicle or displaying such vehicle for sale or rent.

C. It is declared to be the express purpose and intent of this provision of this chapter to stop and prohibit the use of the public streets, street right-of-way areas, sidewalks or portions thereof for the purpose of displaying for sale, rent or hire the above named vehicles in the city to the inconvenience and disadvantage of the general public. (Ord. 1305, secs. 1-2, 3-27-57; Ord. 567, secs. 1-2, 12-20-17)

Cross reference-- Ch. 16, Art. II, Abandoned, Wrecked, etc., vehicles in general; Ch. 13, Land

Sec. 23-6. Abutting property owners required to keep sidewalks free from obstructions.

Owners of real estate, vacant lots, business houses, residences and all other buildings, or tenants, lessees and agents in possession and control of the same, abutting on sidewalks shall keep such sidewalks in a reasonably safe condition for travel on foot at all times, and free from all obstructions which will in any way impede or interfere with the free and safe use of sidewalks by the public traveling on foot. No broken or unsafe plank, or crack wider than one half inches in plank sidewalks, and no holes, stumps, roots or open ditches and unsafe bridges on any sidewalk shall be permitted. (Ord. 393, sec. 1, 3-6-13)

Sec. 23-7. Sidewalks in business district required to be cleaned by owners of abutting premises.

It shall be the duty of the owners or occupants of buildings in the business district of the city to keep the sidewalks in front of such buildings clean and free from dust and trash, and all such sidewalks shall be swept each day, and no dust or trash shall be swept or placed in the gutters, streets or storm sewers adjacent to such sidewalks. (Ord. No. 1235, sec. 1, 8-13-53; Ord. No. 422, 9-17-14)

Cross reference---For provision of Code requiring premise owners to remove grass from sidewalks, see sec. 11-3.

Sec. 23-8. Seats not to be maintained on sidewalks; penalty.

A. It shall be unlawful for any person to erect or keep seats on the sidewalks of the city, without permission of the Mayor and Council.

B. If any person whose duty it is to comply with this section shall fail to do so after he has been notified by any officer of the city in writing for three full days so to do, he shall, upon conviction, be penalized in accordance with Sec. 23-69. (Ord. No. 393, secs. 1-2, 3-6-13)

Sec. 23-9. Merchandise obstructing sidewalks prohibited.

A. Any person who shall leave any box or barrel or any other trash or rubbish on any street, sidewalk, or other public highway longer than may be necessary in the transaction of business shall, upon conviction, be penalized in accordance with Sec. 23-69.

B. Any lessor, owner or occupant of any building or lot who shall allow any box or barrel or other trash or rubbish left on any street or sidewalk or other public highway by his agent or servant or any member of his family, or any one else in the transaction of his business, who shall knowingly allow the same to remain there longer than may be necessary in the transaction of business shall, upon conviction, be penalized in accordance with Sec. 23-69. (Ord. 174, secs. 1-2, 8-6-02)

Sec. 23-10. Building construction obstructing public ways.

A. Any and all persons engaged in the construction, alteration, repair or removal of any building, or other structure anywhere in the city are authorized to occupy not more than one-third of the street or alley, measured from the property line immediately in front of and adjacent to the lot on which such building is being erected, altered, repaired or removed, during such reasonable length of time as may be absolutely necessary to carry on and complete the work.

B. In the erection, repairing or removing of such building or structure, owners and contractors having charge of the work shall have scaffolding built over five feet of that part of the sidewalk in front of or along the side of such building or structure, which scaffolding shall be covered with and walled in by strong boards so as to efficiently protect persons using the sidewalk.

C. The scaffolding shall be constructed under the supervision of the department of public services or such other person as the governing authorities may appoint for that purpose, and the passage way shall be kept sufficiently lighted by electricity during the hours that the electric current is required to be on for street lights. The governing authorities may waive the requirement for the construction of the scaffold provided for in this section in any particular instance when they think such scaffolding shall not be necessary.

D. It shall be unlawful for any contractor, builder or any other person to obstruct any gutter, ditch, drain or sewer of the city, with any lumber, brick, wood, dirt, lime, cement or other building materials or with any ashes, paper, trash rubbish or substances of any kind, so as to prevent or obstruct the flow of water in and through the gutter, drain, ditches and sewers.

E. All openings and obstructions in any street, alley, avenue or sidewalks shall be carefully guarded at all times by sufficient barriers and during the night time shall be indicated by red lights and other such precautions shall be taken as shall be necessary to guard the public against accident, and at all times the work shall be done so as to cause the least inconvenience to property owners and the general public. After the work is completed, it shall be the duty of the builder or the owner of the building or structure to remove from the street, sidewalk or alley all material and rubbish and place the street, sidewalk or alley in a clean and presentable condition. (Ord. 831, secs. 1-4, 2-14-29)

Cross reference--Ch. 22, Art. I, Buildings in General.

Sec. 23-11. Bicycles, etc. on sidewalks; penalty.

It shall be unlawful for any person to ride a bicycle, skateboard, scooter, skates or other wheeled vehicles on the sidewalks or any other posted city property within the limits of the city. (Ord. 417 sec. 2, 9-10-14)

Secs. 23-12 --- 23-15. Reserved.

Article II. Sidewalk, Curb and Gutter Construction

Sec. 23-16. Curbs and gutters---Department of Public Service's approval prerequisite to construction.

Curbs or curb and gutters shall not be located or constructed in the streets, avenues and alleys of the city without the approval of the department of public services and no curb or curbs and gutters shall be located or constructed except on both sides of the street, avenue or alley for the entire block on each side of the street, avenue or alley in which it is desired to locate and construct curbs or curb and gutters. (Ord. 788, sec. 1, 6-2-27)

Sec. 23-17. Same--Reconstruction of existing installations at expense of property owner.

In the event the street, avenue or alley where curbs or curb and gutters are located and constructed, should therein- after lie paved and it should become necessary to remove and re-construct such curbs or curb and gutters, this shall be done at the expense of the person who had such curb or curbs and gutters located and constructed or the owner of the property at the time of laying the pavement. (Ord. 788, sec. 2, 6-2-27)

Sec. 23-18. Same--Removal of installations; expense.

If any curb or curbs and gutters shall be located and constructed in the streets, avenues and alleys of the city contrary to the provisions of this article, the governing authorities may adopt a resolution ordering the owner to remove such curbs or curb and gutter within five days from notice thereof and if such owner does not remove such curb or curbs and gutters within the time, the governing authorities may remove the same at the expense of the owner. (Ord. 788, sec. 3, 6-2-27)

Sec. 23-19. Reserved.

Sec. 23-20. Same---Curb grades to be established; duty of the department of public services.

It shall be the duty of the department of public services to establish curb grades on all of the streets, avenues and alleys of the city now laid out or in use and those which may be hereafter laid out. Such grades shall be established on each street, avenue and alley and whenever a grade has been established on any street, avenue or alley, the department of public services shall report the same to the governing authorities for their approval and if the same is approved an order or resolution shall be entered on the minutes to that effect designating the street, avenue or alley on which such grade has been established and a notation of the approval of such grade, giving the date and the minute book and page on which such order or resolution is entered shall be made on the profile of such street, avenue or alley. (Ord. 774, sec. 1, 10-28-26)

Sec. 23-21. Sidewalks and curbing---Width of sidewalks.

The width of all sidewalks on all streets in the city shall be determined by the department of public services to fit existing conditions. (Ord. 786, sec. 1, 6-2-27)

Sec. 23-22. Same---Permit required.

It shall be unlawful for any person to construct or have constructed any sidewalk or curb which shall be wholly or partly within the limits of any street in the city until the owner of the property in front of which sidewalk or curb is to be constructed, or his authorized agent shall have made application in writing to the department of public services for a permit to do the work, and shall have received the permit. (Ord. 773, sec. 1, 10-28-26)

Sec. 23-23. Same--Curb grade adoption prerequisite to issuance of permit.

No permit shall be given until the sidewalk and/or curb grade for the street, avenue or alley has been approved by the department of public services. (Ord. 773, sec. 2, 10-28-26)

Sec. 23-24. Same--Specifications and instructions required in permit.

The permit shall contain complete specifications and instructions as required in the opinion of the department of public services. (Ord. 773, sec. 3, 10-28-26)

Sec. 23-25. Same---Application for permit to bind applicant to contract.

The application for the permit shall contain a clause binding the signer thereof to follow out the specifications and instructions therein contained and shall also state the name of the person by whom the actual work of construction is to be done. (Ord. 773, sec. 4, 10-28-26)

Sec. 23-26. Same---department of public services to be notified.

The person doing the work of construction shall notify the department of public services when he begins the work. The department of public services representative may have an opportunity to inspect the work while in progress, and shall be notified on completion of work that the same is ready for final inspection. (Ord. 773, sec. 5, 10-28-26)

Sec. 23-27. Same---Inspection by department of public services; faulty construction.

If on final inspection it shall appear that the work has been done in substantial accordance with the terms of the permit, a certificate to that effect which shall constitute a formal acceptance by the city of the sidewalk as satisfactory. If the work done is in any material particular not in accordance with the terms of the permit, the department of public services shall so declare and shall point out the changes to be made or the work to be done to bring the work into such conformity and a failure or refusal to make such changes or to do such work shall render the person so failing or refusing liable to the penalty provided for violation of this article and such defective walk or curb shall be liable at any time to be torn up and relaid by the city at the owner's expense, and it shall be the duty of the department of public services to refuse to grant any permit for sidewalk or curb construction when the application for the same states as the proposed builder thereof the name of a person who shall have constructed, after the passage of this article, a sidewalk which is still under condemnation. (Ord. 773, sec. 6, 10-28-26)

Sec. 23-28. Same---Brick construction.

The department of public services is instructed to refuse to grant any permit for the construction of brick curbs and that hereafter no brick curbs be allowed constructed except by special permission of the department of public services. (Ord. 773, sec. 7, 10-28-26)

Secs. 23-29 --- 23-33. Reserved.

Article III. Excavations

Sec. 23-34. Permits--Required.

It shall be unlawful for any person to excavate in, dig in or dig up, or tunnel under any of the public streets, avenues, alleys, sidewalks, parks or other public places of the city without first having procured a permit so to do in the manner hereinafter provided. (Ord. 874, sec. 1, 7-26-34)

Sec. 23-35. Same---Application; approval by governing authorities.

Whenever any person desires to excavate in, tear up, dig or tunnel under any portion of any of the public streets, avenues, alleys, sidewalks, parks or other public places of the city, application for a permit to do so shall be filed with the department of public services, which application shall describe the nature and extent of the work; the place where such work is to be done, and the estimated length of time which will be necessary to complete such work, and the purpose for which the applicant desires to dig up, excavate, tear away, remove or tunnel under any such street, avenue, alley, sidewalk, park or other public place. Thereupon, if the department of public services deems it proper, a permit shall be granted and the work shall be done under the supervision of the department of public services. (Ord. 874, sec. 2, 7-26-34)

Sec. 23-36. Bond to be required if deemed necessary.

If in the opinion of the department of public services the excavating, digging up, tearing up, tearing away, removing, or tunneling under any such street, avenue, alley, sidewalk, park, or other public place might be hazardous either to the city, its inhabitants, or other persons, the department of public services shall have the right to require as a condition to the issuance of any such permit the giving of bond or such other reasonable security as might be designated by the department of public services, indemnifying and protecting the city and all others on account of the doing of such work. (Ord. 874, sec. 3, 7-26-34)

Sec. 23-37. Replacement of material required.

It shall be unlawful for any person who has excavated, dug up, torn up, torn away, removed or tunneled under any portion of any street, avenue, alley, sidewalk, park or other public place of the city, to fail to promptly rebuild or replace the same in as good condition as before such work was done. (Ord. 874, sec. 4, 7-26-34)

Sec. 23-38. Tampering with barricades about excavations and construction unlawful; penalty.

It shall be unlawful for any person to destroy, remove or take down any barricade erected to protect the pavement or repairs of the pavement of the streets, alleys and sidewalks of the city, or to destroy, take down or remove any barricades erected to guard against dangerous bridges, washouts and other dangerous places in the streets, avenues, alleys and sidewalks or other public places in the city, or to put out or remove lights connected with such barricades as described in this section. (Ord. 726, secs. 1-2, 1-29-25)

Secs. 23-39 --- 23-44. Reserved.

Article IV. Utility Poles, Construction, Etc*

Sec. 23-45. Conformance with article required.

No person shall hereafter erect or construct any poles, pier, abutment or any other necessary fixture, appurtenance or appliance for electric light, power, telephone or telegraph purposes along or across any of the streets, avenues or alleys, squares or elsewhere in the city for electric light, power, telephone or telegraph purposes or shall hereafter erect any such poles, abutments, piers, wires or other necessary fixtures except in accordance with the provisions of this article. (Ord. 446, sec. 1, 3-9-16)

Sec. 23-46. Placing and location of poles.

A. All poles shall be erected in a safe and substantial position and shall be straight and free from bark and placed immediately within the curbing of the sidewalk, or placed wherever the department of public services may survey their lines.

B. Each line of poles shall run on the same side of the street, alley or avenue only except where absolutely necessary to change to the other side, but this change shall be made only by the permission of the governing authorities, or such person or committee as they may appoint, and no

wires shall be less than eighteen feet in height from the curb and from the ground where there is no curb. (Ord. 446, sec. 2-3, 3-9-16)

Sec. 23-47. Posting; advertising prohibited.

It shall be unlawful for any person to place or allow to be placed any advertising cards or posters or any other like material or any signs or advertising matter suspended by ropes or wires on any such poles within the city limits. (Ord. 446, sec. 4, 3-9-16)

Sec. 23-48. Crossing wires.

Whenever it shall become necessary for any line wires defined as "high potential" wires in the National Electric Code to cross "low potential" wires, such wires where they cross shall be at a distance from each other of not less than three feet, and no wires shall be allowed over the city fire alarm and police telegraph wires, which shall be strung at the top of the poles. The line wires and attachments of the lighting company shall be carried above the line wires and attachments of the telephone and telegraph company's and the line wires and attachments of the telephone and telegraph companies shall be carried below the line wires and attachment of the lighting company in all construction hereafter except as here in after specially provided; and excepting that by mutual consent in particular instances the reverse position may be employed, the proposal and consent for such reversal of position to be in writing and to be approved by an officer on the part of each company and by the city electrician and in the event the consent of one company is not given then the governing authorities may order such reverse position. (Ord. 446, sec. 5, 3-9-16)

**Cross reference--Chapter 9, Electricity.*

Sec. 23-49. Compliance with National Electrical Code required.

Whenever any wires are installed which require insulation, such wires shall have insulation resistance as provided in the National Electrical Code and shall thereafter be maintained in a reasonably safe manner. (A printed copy of the National Electrical Code is filed with the city clerk and made a part of this article.) (Ord. 446, sec. 6, 3-9-16)

**Cross reference--Chapter 9, Electricity.*

Sec. 23-50. Construction rules generally.

The following rules shall govern outside work, all system and voltage wires:

A. After service is discontinued in a building for ninety days, the drops must be taken down from the building to the pole.

B. Wires must be spliced or joined so as to be mechanically and electrically secure. The joints of insulated wires must be soldered to insure preservation and covered with an insulation equal to that on the conductors.

C. Wires must, where they enter buildings, have drip loops outside.

D. Telegraph, telephone and similar wires shall not be placed on the same cross arms with

electric light or power wires.

E. All ground wires must be boxed or piped from the ground for a distance of seven feet.

F. Transformers must not be attached to the outside wall of any building unless separated therefrom by substantial supports.

G. When guy wires are used and come any where near high tension wires such as electric light wires, street railway wires, etc., circuit breakers or strain insulators must be used on these guy wires, one close up to the poles and the other out of reach of any one on the ground, or on pole or stub to where guy wire is fastened. All anchor guy wires must be covered with a substantial wooden box, for a distance of eight feet perpendicularly from the ground and such boxing must be maintained in a substantial and neat manner.

H. The practice of any electric company, telephone or telegraph company or any one else stringing wires splitting a lead of another company, is strictly forbidden. Where other poles split a high tension line, there must be a cross arm put on each pole and the wires spaced sixteen inches from the center of the pole each way.

I. All brake junctions must be double armed. Whenever moving poles that have fire alarm wires on them the company moving same shall take the best care of the fire alarm wires and put the same in first class shape without any charge to the city.

J. All telephone drops must be run with the triple braided weather proof wires or better wires where they cross high tension wires.

K. No wire of any kind that has an electric circuit passing on it shall be allowed to be attached to gas pipes either inside or outside of buildings.

L. Where wires are attached to buildings they must be fastened as to secure mechanical strength to guard against wires pulling off from the buildings. The practice of fastening brackets on to brick walls is not permitted except with suitable expansion bolts.

M. In the event of any contingency not herein provided for, the rules and regulations of the National Electric Code shall govern. (Ord. 446, sec. 7, 3-9-16)

Sec. 23-51. Inspections.

The electrical inspector shall have power and it is his duty to inspect all overhead, underground and interior wires and apparatus conducting electric current for any of the purposes set forth in this article and when the conductors are found to be unsafe to life and property he shall notify the person owning or operating the same, to place the same in safe condition as early as possible and within forty-eight hours and it shall be his duty to do so. (Ord. 446, sec. 8, 3-9-16)

Sec. 23-52. Unsafe poles; penalty.

It shall be unlawful for any poles used to carry or support wires of any kind to be or remain in an unsafe condition on or along the streets, avenues, alleys and public places in the city.

Any person whose duty it is to see that such poles are maintained in reasonably safe condition, or shall neglect or fail to do so, shall be subject to the penalties of this chapter. (Ord. 603, secs. 1-3, 6-5-19)

Sec. 23-53. Permits.

In case any person desires to place along or across any of the streets, alleys, or public places of the city, wires, tubes, or cables, and shall with the application and plat file in the office of the city clerk the written consent of any telephone or telegraph company doing business in the city to the placing of such wires, tubes or cables, upon the poles of the telegraph or telephone company situated in the streets, alleys or public places named in such application, then the governing authorities are hereby authorized to grant a permit for such occupancy of the poles of such telegraph or telephone company with the restrictions, regulations and qualifications, as may be prescribed by the governing authorities. (Ord. 446, sec. 9, 3-9-16)

Sec. 23-54. Unsafe wires.

Whenever any electric wires shall be broken or be in unsafe condition, it shall be the duty of the owner of such wires, or the president or the manager of the company owning or controlling such wires, to cause the current to be discontinued until such wire is in a safe condition (Ord. 446, sec. 10, 3-9-16)

Sec. 23-55. High potential wires.

High potential wires when running parallel must not be nearer each other than forty inches. Specific exception is hereby made to secondary lighting and power wires which may be carried at a distance of not less than eighteen inches below high potential wires. (Ord. 446, sec. 11. 3-9-16)

Secs. 23-56 --- 23-60. Reserved.

Article V. Moving Building & Oversized Loads Over Streets

Sec. 23-61. Definitions.

For the purposes of this article the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense shall include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Building is a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. A structure of the

following dimensions shall not fall within this definition: eight feet by twelve feet.

City is the City of Hattiesburg, Mississippi.

Department of Planning and Community Development is the department of planning and community development of the City of Hattiesburg, Mississippi.

Person is any person, firm, partnership, association, corporation, company or organization of any kind.

Oversized Loads is the same as defined under buildings, and as specified in Section 63-5-1 through 63-5-33 of the Mississippi Code of 1972, Annotated as Amended. (Ord. 1331, sec. 1, 2-4-58)

Sec. 23-62. Permit--required.

No person shall move any building over, along or across any highway, street or alley in the city without first obtaining a permit from the department of planning and community development. (Ord. 1331, sec. 2, 2-4-58)

Sec. 23-63. Same---Application.

A person seeking issuance of a permit hereunder shall file an application for such permit with the department of planning and community development.

A. Form:

The application shall be made in writing, upon forms provided by the department of planning and community development and shall be filed in the office of the department of planning and community development, and he shall maintain a permanent file in his office and all applications shall by him be permanently filed therein, and all such applications shall not be destroyed until six years after the completion of the moving of the building or structure described therein.

B. Contents: The application shall set forth:

1. A description of the building proposed to be moved giving street number, construction materials, dimensions, number of rooms and condition of exterior and interior, and at least two photographs of said building taken at different elevations and of sufficient size and clearness to furnish a clear picture of said building which shall be filed with said application.
2. A legal description of the lot from which the building is to be moved, giving the lot, block and street number if located within the city.
3. A legal description of the lot to which it is proposed such building be removed, giving lot, block and street number if located in the city.
4. The portion of the lot to be occupied by the building when moved.
5. The highways, street and alleys over, along and across which the building is proposed to be moved.
6. Proposed moving date and hours, which date and hours shall meet with the approval of the department of planning and community development.
7. Any additional information which the department of planning and community development shall find necessary for a fair determination of whether a permit should issue.

C. Accompanying papers:

1. Tax certificate. The owner of the building to be moved shall file with the application sufficient evidence that the building and lot from which it is to be removed are free of any entanglements and that all taxes and any city charges against the same are paid in full.
2. Certificate of ownership. The applicant, if other than the owner, shall file with the application a written statement or bill of sale signed by the owner, or other sufficient evidence, that he is entitled to move the building.

D. Fee:

The application shall be accompanied by a permit fee in the amount of one hundred dollars (\$100.00). (Ord. 2692, sec. 1, 5-18-99; Ord. 1331, sec. 3, 2-4-58)

Sec. 23-64. Deposit for expenses of city.

Upon receipt of an application it shall be the duty of the department of planning and community development to procure from the department of public works an estimate of the expenses that will be incurred in removing and replacing any electric wires, street lamps or poles belonging to the city or any other property of the city for the removal and replacement of which will be required by reason of the moving of the building through the city together with the cost of materials necessary to be used in making such removals and replacements, prior to the issuance of the permit the department of planning and community development shall require of the applicant a deposit of a sum of money equal to twice the amount of the estimated expenses. (Ord. 1331, sec. 4, 2-4-58)

Sec. 23-65. General deposit.

An application hereunder shall be accompanied by a cash deposit in the sum of five hundred dollars (\$500.00) as an indemnity for any damage which the city may sustain by reason of damage or injury to any highway, street or alley, fire hydrant, sidewalk or other property of the city, which may be caused by or be incidental to the removal of any building over, along or across any street in the city and to indemnify the city against any claim for damages to persons or private property and to satisfy any claim by private individuals arising out of, caused by or incidental to the moving of any building over, along or across any highway, street, passageway or alley in the city.

A. Bond in lieu of deposit. Any person filing an application hereunder may, in lieu of

the general cash deposit required above, file with the department of planning and community development a bond, approved as to form by the city attorney, executed by a bonding or surety company authorized to do business in the State of Mississippi in the amount of ten thousand dollars (\$10,000.00) conditioned upon the assurance that this and other applicable ordinances and laws will be complied with. Such bond shall run to the city for the use and benefit of any person or persons intended to be protected thereby and shall be conditioned on the payment of any damage to public or private property and the payment for any damages or losses resulting from any malfeasance, misfeasance, or nonfeasance or negligence in connection with any of the activities or conditions upon which the permit applied for is granted.

B. Insurance policy in lieu of deposit. Any person filing an application hereunder may, in lieu of the general cash deposit required above, file with the department of planning and community development a liability insurance policy, issued by an insurance company authorized to do business in the State of Mississippi, in the same amount and providing the same protection as would be required for a bond hereunder. (Ord. 1331, sec. 5, 2-4-58)

Sec. 23-66. Duties of the director of planning and community development.

A. Inspection. The director of planning and community development shall inspect the building and the applicant's equipment to determine whether the standards for issuance of a permit are met.

B. Standards for issuance. The director of planning and community development shall refuse to issue a permit if he finds:

1. That any application requirement or any fee or deposit requirement has not been complied with.
2. That the building is too large to move without endangering persons or property in the city.
3. That the building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the city.
4. That the building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the city.
5. That the applicant's equipment is unsafe and that persons and property would be endangered by its use.
6. That zoning or other ordinances would be violated by the building in its new location.
7. That for any other reason persons or property in the city would be endangered by the moving of the building.

C. Fees and deposits.

1. **Deposit.** The director of planning and community development shall deposit all fees and deposits, and all bonds or insurance policies with the city clerk.
2. **Return upon non-issuance.** Upon his refusal to issue a permit the director of planning and community development shall return to the applicant all deposits, bonds and insurance policies. Permit fees filed with the application shall not be returned.
3. **Return Upon Allowance for Expense.** After the building has been removed the director of planning and community development shall furnish the governing authorities with a written statement of all expenses incurred in removing and replacing all property belonging to the city, and of all material used in the making

of the removal and replacement together with a statement of all damage caused to or inflicted upon property belonging to the city. The governing authorities shall authorize the director of planning and community development to return to the applicant all deposits after the city clerk deducts the sum sufficient to pay for all of the costs and expenses and for all damage done to property of the city by reason of the removal of the building. Permit fees deposited with the application shall not be returned.

D. Designate streets for removal. The director of planning and community development shall procure from the department of public services a list of designated streets over which the building may be moved. The department of planning and community development shall have the list approved by the chief of police and shall reproduce the list upon the permit in writing. In making their determinations the department of public works and the chief of police shall act to assure maximum safety to persons and property in the city and to minimize congestion and traffic hazards on public streets. (Ord. 1331, sec. 6, 2-4-58)

Sec. 23-67. Duties of permittee.

Every permittee under this article shall:

- A. **Use designated streets.** Move a building only over streets designated for such use in the written permit.
- B. **Notify of revised moving time.** Notify the department of planning and community development in writing of a desired change in moving date and hours as proposed in the application.
- C. **Notify of damage.** Notify the department of planning and community development in writing of any and all damage done to property belonging to the city within 24 hours after the damage or injury has occurred.
- D. **Display lights.** Cause red lights to be displayed during the nighttime on every side of the building, while standing on a street, in such manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such manner as to protect the public from damage or injury by reason of the removal of the building.
- E. **Street occupancy period.** Remove the building from the city streets after two days of such occupancy, unless an extension is granted by the governing authorities.
- F. **Comply with governing law.** Comply with the Building Code, the Fire Code, the Zoning Ordinance and all other applicable ordinances and laws upon relocating the building in the city*.
- G. **Pay expense of officer.** Pay the expense of a traffic officer ordered by the director of planning and community development to accompany the movement of the building to protect the public from injury.
- H. **Clear old premises.** Remove all rubbish and materials and fill all excavations to existing grade at the original building site so that the premises are left in a safe and

sanitary condition.

- I. **Remove service connection.** See that the sewer line is plugged with a concrete stopper, the water shut off, and the meter returned to the city water office. Permittee shall notify the gas and electric service companies to remove their services. (Ord. 1331, sec. 7, 2-4-58)

**Cross references.--See Ch. 22, for provisions relating to buildings; see Sec. 22-3, for description of territory embraced within the fire limits and restrictions appertaining to construction therein; see Ch. 13, Land Development Code including subdivision regulations.*

Sec. 23-68. Enforcement of article provisions.

A. **Enforcing officers.** The department of planning and community development and the police department shall enforce and carry out the requirements of this article.

B. **Permittee liable for expense above deposit.** The permittee shall be liable for any expense, damages or costs in excess of deposited amounts or securities, and the city attorney shall prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such excessive amounts.

C. **Original premises left unsafe.** The city shall proceed to do the work necessary to leaving the original premises in a safe and sanitary condition, where permittee does not comply with the requirements of this article, and the cost thereof shall be charged against the general deposit. (Ord. 1331, sec. 8, 2-4-58)

Sec. 23-69. Penalties for violation of chapter provisions.

Any person, firm or corporation violating any of the provisions of this chapter shall upon conviction thereof be deemed guilty of a misdemeanor and shall be fined in a sum not to exceed five hundred dollars (\$500.00) or imprisoned for not more than ninety (90) days or both in the discretion of the court for each offense. (Ord. 1331, sec. 9, 2-4-58)

(This page left blank intentionally)