

**AN ORDINANCE BY THE
LAMAR COUNTY, MISSISSIPPI BOARD OF SUPERVISORS
REGARDING PERMITTING FOR RESIDENTIAL CONSTRUCTION**

WHEREAS, the Mississippi Legislature and Governor enacted House Bill No. 1163 amending Miss. Code Ann. § 19-5-9 to require the County to “require permitting as a condition to residential construction within the unincorporated areas of the county”; and

WHEREAS, Lamar County, by this ordinance, is complying with State law by requiring said permit within its jurisdiction; and

WHEREAS, the permit shall contain, on its face, in conspicuous print, the following:

- (a) Either:
- a. the contractor’s material purchase certificate number to the extent furnished by the Department of Revenue pursuant to Miss. Code Ann. § 27-65-21 and a copy thereof, or
 - b. the contractor’s Taxpayer Identification Number as furnished by the Internal Revenue Service and a W-9;

AND ALSO

- (b) Either the contractor’s:
- a. license; or
 - b. certificate of responsibility as required by Sections 31-3-14, et. seq. or 73-59-1, et. Seq. of the Miss. Code Ann.; and

WHEREAS, compliance with State law is required on or before July 1, 2022; and

WHEREAS, the Supervisors are compelled by this mandate to comply with this State law.

NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE BOARD OF SUPERVISORS OF LAMAR COUNTY, MISSISSIPPI as the following order and ordinance:

- Section 1. It shall be unlawful for any residential construction (as stated in and defined by State law, in particularly said House Bill. No. 1163) within the unincorporated area of Lamar County, Mississippi unless a permit has been obtained from the Lamar County Planning Department.
- Section 2. There shall be a fee charged for the issuance of a permit required by this ordinance. The fee shall be set, from time to time, by the Board of Supervisors.
- Section 3. Anyone performing residential construction and required to be licensed (as stated in and defined by State law, in particularly House Bill No. 1163) in the unincorporated areas of Lamar County shall make application to the

Lamar County Planning Department, who shall make sure the application has been completed and fees paid. The Lamar County Planning Department is authorized to issue or deny the permit required by this ordinance. A permit is required each time a contractor (as stated in and defined by State law, in particularly said House Bill No. 1163) begins construction.

Section 4. The applicant shall furnish the following information at a minimum to the Lamar County Planning Department:

4.A. Either:

4.A.1. the contractor's material purchase certificate number to the extent furnished by the Department of Revenue pursuant to Miss. Code Ann. § 27-65-21, or

4.A.2 the contractor's Taxpayer Identification Number as furnished by the Internal Revenue Service or a W-9;

and

4.B. Either the contractor's:

4.B.1. Mississippi Board of Contractors license number; or

4.B.2 Certificate of Responsibility as required by Sections 31-3-14, et. seq. or 73-59-1, et. seq.

Section 5. The permit issued by the Lamar County Planning Department shall have on its face that following information at a minimum:

5.A. Either:

5.A.1. the contractor's material purchase certificate number, or

5.A.2. the contractor's Taxpayer Identification Number as provided.

and

5.B. Either the contractor's:

5.B.1. Mississippi Board of Contractors license number; or

5.B.2. certificate of responsibility as provided.

Section 6. This Ordinance may be enforced by any law enforcement Officer designated by the Lamar County Sheriff's or any other Law Enforcement Officer of the State of Mississippi or Enforcement Officer designated the Lamar County Board of Supervisors.

Any violation of any of the provisions of this Ordinance shall be a misdemeanor and any person who shall knowingly and willfully violate

the terms, conditions or provisions of this Ordinance, for violation of which no other criminal penalty is prescribed, shall be guilty of a misdemeanor and upon conviction therefor shall be sentenced to pay a fine of not less than one hundred (\$100) nor more than five thousand dollars (\$5,000.00), or imprisonment for a term not to exceed thirty (30) days, or both such fine and imprisonment. In case of continuing violations, each day shall constitute a separate charge; however, separate violations under this chapter need not be severed for trial when the identity of parties and location exists.

In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any provision in this Ordinance shall be subject to appropriate civil action, including, but not limited to, the declaration of a public nuisance, injunctive relief or abatement, damages and sanctions in any court of competent jurisdiction.

The foregoing Resolution and Order was offered for adoption on motion by Supervisor Lampton seconded by Supervisor Brent and was adopted by the following vote:

Supervisor Lampton: Yay

Supervisor Byrd: Yay

Supervisor Bass: Nay

Supervisor Brent: Yay

Supervisor Lucas: Nay

ADOPTED on this the 5th day of July, 2022.

BOARD OF SUPERVISORS OF
LAMAR COUNTY, MISSISSIPPI

By: See Recorded for Signature

WARREN BYRD, President

ATTEST:

By: See recorded for Signature

James D. Aultman, Chancery Clerk