



City of Southaven
"The Top of Mississippi"

Office of the City Clerk,
Andrea Mullen
8710 Northwest Drive
Southaven, MS 38671

RESTRICTIONS FOR HOME-BASED BUSINESSES

NO "USE OF OCCUPANCY" PERMIT IS REQUIRED FOR A HOME-BASED BUSINESS *CITY PRIVILEGE LICENSE IS REQUIRED AND MUST BE OBTAINED FROM THE CLERK'S AT CITY HALL. ******

- A. ALL HOME-BASED BUSINESS SHALL OBTAIN A PERMIT FROM THE CIY AS SET FORTH IN CITY CODE OF ORDINANCE SECTIONS 8-117 AND 8-119. TO OBTAIN A PERMIT, THE INDIVIDUAL SHALL PROVIDE A CURRENT STATE OF MISSISSIPPI ISSUED PHOTO ID, WHICH REFLECTS THE HOME-BASED BUSINESS PHYSICAL ADDRESS. POST OFFICE BOXES SHALL NOT BE ACCEPTED.
- B. NO PERSONS OTHER THAN OCCUPANTS OF THE PREMISES SHALL BE ENGAGED IN THE HOME-BASED BUSINESS.
- C. THE USE OF THE DWELLING UNIT FOR THE HOME-BASED BUSINESS SHALL BE CLEARLY INCIDENTAL AND SUBORDINATE TO THE PRIMARY RESIDENTIAL USE BY THE OCCUPANTS.
- D. THERE SHALL BE NO CHANGE IN THE OUTSIDE APPEARANCE OF THE BUILDING, HOME, STRUCTURE OR PREMISES OR OTHERLVISIBLE EVIDENCE OF THE CONDUCT OF THE HOME-BASED BUSINESS.
- E. NO TRAFFIC SHALL BE GENERATED BY THE HOME-BASED BUSINESS IN GREATER VOLUMES THAN WOULD NORMALLY BE EXPECTED IN A RESIDENTIAL NEIGHBORHOOD AND PARKING GENERATED BY THE CONDUCT OF THE HOME-BASED BUSINESS SHALL BE IN THE DRIVEWAY.
- F. NO EQUIPMENT OR PROCESS SHALL BE USED IN SUCH HOME-BASED BUSINESS WHICH CREATES NOISE, VIBRATION, GLARE OR FUMES, WHICH ARE DETECTABLE OFF THE PROPERTY. NO EQUIPMENT OR PROCESS SHALL BE USED THAT CREATES VISUAL OR AUDIBLE INTERFERENCE IN ANY RADIO OR TELEVISION RECEIVERS OFF THE PROPERTY OR CAUSES FLUCTUTATIONS IN LIVE VOLTAGE OFF THE PROPERTY.
- G. NO WHOLESALE OR RETAIL ESTABLISHMENT SHALL BE PERMITTED UNLESS IT IS CONDUCTED ENTIRELY ONLINE OR BY MAIL.
- H. THERE SHALL BE NO STORAGE OUTSIDE A PRINCIPAL BUILDING OR ACCESSORY STRUCTURE OF EQUIPMENT OR MATERIAL USED IN THE HOME-BASED BUSINESS.
- I. THE HOME-BASED BUSINESS SHALL BE CONDUCTED ENTIRELY WITHIN THE PRINCIPAL RESIDENTIAL BUILDING.
- J. ANY VIOLATION OF THIS SECTION SHALL BE A MISDEMEANOR AND MAY INCLUDE PENALTIES ASSESSED UP TO \$100.00 PER DAY UNTIL SUCH VIOLATION CEASES.

I HAVE READ AND UNDERSTAND THE ABOVE RULES AND REGULATIONS AND WILL ADBIDE BY THEM:

SIGNATURE OF BUSINESS OWNER

DATE

662-280-6554

www.southaven.org

FAX 662-280-6556

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND
THE CITY OF SOUTHAVEN CODE OF ORDINANCE TITLE VIII, CHAPTER 1,
SECTION 8-2**

The Mayor and Board of Aldermen of the City of Southaven, Mississippi (the "City"), considered the matter of amending the Southaven Code of Ordinances ("Ordinances").

WHEREAS, pursuant to Miss. Code 21-17-5, the City Governing Authorities have the power to adopt any orders, resolutions or ordinances with respect to such municipal affairs, property and finances which are not inconsistent with the Mississippi Constitution of 1890, the Mississippi Code of 1972, or any other statute or law of the State of Mississippi, and shall likewise have the power to alter, modify and repeal such orders, resolutions or ordinances; and

WHEREAS, pursuant to Miss. Code 17-1-3, the City Governing Authorities may regulate the percentage of lot that may be occupied and the location and use of buildings and structures; and

WHEREAS, the City Governing Authorities find that home-based businesses provide employment and income for its citizens; and

WHEREAS, City Governing Authorities desire to ensure that home-based businesses not disrupt and/or disturb the character, safety, cleanliness, and traffic within non-commercial areas of City; and

WHEREAS, the Ordinances, as amended, provide specific guidelines for the governmental authorities, and serves the legitimate City interest; and

WHEREAS, the Board authorizes the Mayor, or his designee, to sign such documents or take actions that are necessary or required for the effectuation of the amended Ordinance; and

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, THAT BY RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI THE CITY OF SOUTHAVEN CODE OF ORDINANCE TITLE VIII, CHAPTER 1, SECTION 8-2 BE AMENDED AS FOLLOWS:

SECTION 1

8-2 - Home Based Business Regulations

- a. All home-based business shall obtain a permit from the City as set forth in City Code of Ordinance Sections 8-117 and 8-119. To obtain a permit, the individual shall provide a current State of Mississippi issued photo ID, which reflects the home-based business physical address. Post office boxes shall not be accepted.
- b. No persons other than occupants of the premises shall be engaged in the home-based business.
- c. The use of the dwelling unit for the home-based business shall be clearly incidental and subordinate to the primary residential use by the occupants.
- d. There shall be no change in the outside appearance of the building, home, structure or premises or other visible evidence of the conduct of the home-based business.
- e. No traffic shall be generated by the home-based business in greater volumes than would normally be expected in a residential neighborhood and parking generated by the conduct of the home-based business shall be in the driveway.
- f. No equipment or process shall be used in the home-based business that creates noise, vibration, glare or fumes, which are detectable off the property. No equipment or process shall be used that creates visual or audible interference in any radio or television receivers off the property or causes fluctuations in live voltage off the property.
- g. No wholesale or retail establishment shall be permitted unless it is conducted entirely online or by mail.
- h. There shall be no storage outside a principal building or accessory structure of equipment or material used in the home-based business.
- i. The home-based business shall be conducted entirely within the principal residential building.
- j. Any violation of this Section shall be a misdemeanor and may include penalties assessed up to \$100.00 per day until such violation ceases.

SECTION 2. Severability. If any term or provision of this Ordinance is held by a court of competent jurisdiction or other authority to be invalid, void or unenforceable, the remainder of the terms and provisions of this Ordinance shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

SECTION 3. The City Clerk is hereby directed to cause a summary of this ordinance in a form allowed by law to be published one time in the *Desoto Times Tribune*.

SECTION 4. The effective date of this ordinance shall be thirty (30) days after passage and publication required by law.

After a full discussion of this matter, Alderman Kelly moved that the foregoing Resolution to adopted and said motion was seconded by Alderman Wheeler and the vote thereupon was as follows:


Alderman William Brooks	voted: YES
Alderman Kristian Kelly	voted: YES
Alderman Charlie Hoots	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John Wheeler	voted: YES
Alderman Raymond Flores	voted: YES

RESOLVED AND DONE, this 2nd day of February, 2021.



DARREN MUSSELWHITE, MAYOR

ATTEST:


CITY CLERK