

APPROVE SAND BEACH ORDINANCE OF HANCOCK COUNTY, MS
SUBJECT TO BAY ST. LOUIS AND WAVELAND'S APPROVAL

It was moved by Supervisor Steve Seymour, seconded by Supervisor Tony W. Ladner, that the SAND BEACH ORDINANCE OF HANCOCK COUNTY, MS, be and it is hereby approved subject to Bay St. Louis and Waveland's approval, as presented by Board Attorney Gary Yarborough, be and it is hereby approved.

The matter then being put to a roll call vote, the result was as follows:

Those voting Yes: Supervisors David Yarborough, Kenny Hoda, Lisa Cowand, Steve Seymour and Tony W. Ladner.

Those voting No: None.

The motion having received the unanimous affirmative vote of all members of the Board, the President declared the motion carried this the 7th day of April, 2014.

I. Title

This ordinance shall be known as the SAND BEACH ORDINANCE OF HANCOCK COUNTY, MISSISSIPPI.

II. AREA OF JURISDICTION

(legal description)

III. RIGHTS OF THE PUBLIC AND ADJOINING LANDOWNERS

- A. The members of the general public have the reasonable and lawful right to use the herein above described property as a Sand Beach, for passage to and from, sun bathing, recreation, and other uses appropriate to a public Sand Beach subject to any exceptions and restrictions set forth herein.**
- B. The record owners and their successor in title of property adjoining and abutting the Sand Beach are the owners of riparian and littoral rights, both common law and statutory, including access to water for swimming, boating, bathing, fishing and other aquatic pursuits and rights of air, light and view, and nothing shall be erected, constructed, or maintained on the surface of the beach to impair any such owner's right without his, her or its consent.***
- C. The division of the Sand Beach into categories of use as appearing now and from time to time hereafter by amendments, dividing the beach into two or more categories of public use, is made to provide for and protect the rights, safety and interests of public and the adjacent landowners in and on the Sand Beach, and shall be constructed and enforced so as to regulate and protect those interests and not to deny access to the beach or to restrict or hamper the right of Hancock County to maintain and replenish the beach.**

IV. ITEMS PROHIBITED ON THE BEACH

- A. The following items are prohibited on the Sand Beach, and the seawall easement which is contiguous thereto and said items shall not be carried or placed upon the beach, seawall, or seawall easement:**

- 1) Tents and structures of any type, except:
 - a) Awning type structures, which are permitted during daylight hours, but must not be erected for use overnight; and
 - b) Beach vendor structures are permitted in this ordinance.
- 2) Containers constructed of glass, china or any type pottery.
- 3) Motor vehicles of all types, except those used to maintain the beach, and approved marked beach vendor vehicles used to move equipment to and from the beach as permitted under this ordinance.
- 4) Horses, livestock, dogs, and animals of all kinds.
- 5) Firearms, air guns, and bow and arrows.
- 6) Fireworks, except by special permit under fireworks ordinances.
- 7) Pallets or wood with nails or staples.
- 8) Advertising signs except by approved permitted beach vendors under this ordinance.
- 9) Litter and debris of all types. Any such debris or litter should be placed in a container.
- 10) All permits, any pier, any permanent or temporary structure and any utility (power, gas, water, sewer, cable, etc.) on the sand beach must be approved by Hancock County Board of Supervisors and spread on the Minutes.

B. Violation of this section:

Any person while on the beach having in his or her possession or under his or her control any item prohibited by Section IV, and Item A, No. 1 through 10 above shall be in violation of this ordinance and subject to the penalties as set forth.

V. BUSINESS AND ACTIVITIES PERMITTED AND REGULATED ON THE BEACH:

A. RENTAL BUSINESSES – Rental to the public of water or beach related recreational items may be authorized upon the following conditions:

1) General Conditions:

Any person desiring to offer said items for rental to the public shall submit a bid for a permit to the Hancock County Board of Supervisors in accordance with bid documents and state law.

2) Conditions for Issuing Permits:

a) **State Tax Certificate** – The permittee must present evidence, before offering any items for rent, of being in receipt of the Mississippi sales tax license number and shall furnish sufficient evidence from the State Tax Commission of the current status of payment of applicable sales taxes.

b) **Privilege Tax License** – Each permittee must provide to the Hancock County Sand Beach Authority sufficient proof of a privilege license obtained from the city wherein the vendor is located.

c) **Areas of Operation** – Permits shall be issued only for those areas shown on the map of file in the office of the Hancock Sand Beach Department, said map is made a part of this ordinance by reference.

d) **Number of Permits** – The number of rental permits issued under this section will be limited as follows:

<u>Site #Location</u>	<u>Type of Vending Site</u>
W-1 Washington St. & S. Beach	motorized/nonmotorized
W-2 Washington St. & S. Beach	motorized/nonmotorized
N-1 Nicholson St. & S. Beach Blvd.	nonmotorized
C-1 Coleman Ave. & S. Beach Blvd.	nonmotorized
L-1 Lakeshore Beach	motorized/nonmotorized
L-2 Lakeshore Beach	motorized/nonmotorized
L-3 Lakeshore Beach	motorized/nonmotorized
L-4 Lakeshore Beach	motorized/nonmotorized
L-5 Lakeshore Beach	motorized/nonmotorized

Each permit space providing a Jet Ski operation shall be within 600 LF. to 1000 LF. in the Mississippi Sound. Said area shall run parallel to the Sand Beach and be designated as that permitted jet ski area. Operation area on the Sand Beach shall be confined to a 200 to 300 feet area as designated by the Sand Beach Authority.

e) Terms of Permits

1. Sale and Transfer of Permits: Permits issued under this section cannot be transferred, sold, or sublet.

2. Permit Fee: The County will solicit bids for beach vendors to set up in specified locations. These bids will be accepted after being publicized for at least three weeks in the local newspaper. The County will accept the highest vendor bid, though the County reserves the right to reject any and all proposals.

3. Penal Bond Required: The permittee shall, in advance of conducting any business, furnish and make payable to Hancock County a good and sufficient penal bond in the amount of One Thousand Dollars (\$1000) for the duration of the permit. This Penal Bond of \$1000 shall cover and apply to all permitted sites of the permittee fails to comply with this Ordinance, then permittee shall cease operations on all of permittee's permitted sites until permittee is fully in compliance with this Ordinance.

4. Insurance Required: Each vendor who engages in the business of renting, leasing, and/or hiring the use of jet skis, wave runners, motor boats, sail boats, paddle boats, and any and all other water craft shall provide to the Hancock County Board of Supervisors and the Hancock County Sand Beach Department evidence that the vendor has enforced liability insurance protection in an amount not less than \$300,000.00, and furthermore, proof that said liability insurance names Hancock County as the said insured. This insurance requirement pertains to each water craft rented by the vendor. For example, should a vendor maintain twelve (12) jet skis (or other water crafts) at his place of business, each jet ski (or other water craft) identified by serial number must be identified on the insurance policy. Each vendor

is required to have in his or her possession on the location at all times proof of said insurance. The Hancock County Sand Beach Authority maintains the right to perform periodic inspections for proof of insurance. Failure to maintain said insurance and/or have proof thereof will result in automatic revocation of the permit issued by the Hancock County Sand Beach Department.

5. Hold Harmless Clause: Vendor shall agree that it will indemnify, and hold harmless Hancock County from any and all claim for damages as a result of property loss, personal injury claims, tort claims, negligence claims or any damages whatsoever.

6. Grounds for Revocation of Permit: Any vendor, or his or her employees or agents, who unlawfully uses, distributes, or possesses drugs, controlled substances, or drug related paraphernalia, or alcohol while operating as a vendor on the Hancock County Sand Beach shall have his or her permit revoked. Should any vendor be found by the Sand Beach Authority to have violated any provision set forth in this Sand Beach Ordinance, then that vendor will be subject to revocation of permit by the Hancock County Sand Beach Authority. Any revocation for cause of a vendor permit can result in the automatic refusal of future permits to said vendor by the Hancock County Sand Beach Authority.

3) Regulations Governing Rental Business:

1. Operation of each site can be conducted while permit is in effect. However, each rental vendor or retail vendor must remove all items from the beach daily from November 1st through the last day of February or termination of permit, whichever comes first.

2. Large Boxes – Large boxes shall be no larger than 8 feet by 14 feet long and must not exceed a height of 9 feet from the top of the box to the floor elevation. There can only be one such large box per permit site.

3. Small Boxes – Small boxes shall be no larger than 7 feet wide and by 8 feet long and must not exceed a height of 9 feet

from the top of the box to the floor elevation. There cannot exceed but two (2) small boxes per site.

Note: Vendor shall use either one (1) large or two (2) small boxes per site.

4. Fuel Storage Boxes – Fuel storage boxes shall not exceed 2 feet long x the width of storage box connected thereto, and a solid wall shall separate the fuel area and storage area. Access to fuel must be from outside and a fuel storage box must be ventilated and marked on all viewable sides as follows:

Warning, No Smoking, Flammable or Combustible Liquid –

All letters shall not be less than 3 inches in height and be a contrast in color of the background. All gas cans used to fuel water craft on Sand Beach must be approved safety cans. Refueling of water crafting in all cases shall be at least 20 feet from any activity involving fixed sources of ignition. Fire extinguishers are the minimum classification of 2 minus a: 20-A: 20 – BC shall be on site at all times. When refueling, fire extinguishers shall be in close proximity of the fueling process. There shall be no placement of gas cans directly on the sand beach unless vendor is in process of refueling. Each site is subject to inspection by the Fire Marshall.

5. Operation of Stand – The use of either one open trailer or one open stand with no enclosed area may be used. This stand if used shall be the designated area where the vendor conducts business activity with the public. Size of operation stand shall not exceed 8 feet by 20 feet.

6. All boxes, trailers, and stand shall be neat in appearance and in good stable condition.

7. Items permitted to remain on the beach from March 1st through November 1st of each permit year shall be as follows:

a. Large storage box and one operation stand or;

b. Small boxes and one operation stand;

c. Chairs, umbrellas, jet skis and other water craft, volley ball nets or other beach related items approved by the Sand Beach Authority.

8. Trailers used to bring equipment on and off of the beach daily must be parked away from the operation area. No other use of these trailers will be allowed.

b) Advertising –

1. Vendor shall place the name of business and permit number on the north side of storage box and the permit number shall be placed on the south side of box.

2. Vendor shall identify only the name of business on the operation stand. Letters shall not exceed 36 inches in height.

3. Rate cards may be posted facing the shore side of the designated operation stand. Rate cards shall be no larger than 20 square feet.

4. Rules for governing each operation must be posted facing the shore side of the designated operation stand. Rule cards shall be no larger than 20 square feet.

5. Trailers used to transport equipment may be marked for identifying name of business. Letters shall not exceed 4 inches in height.

6. Flags will be permitted to be flown on site. Flags shall be no larger than 15 square feet and the maximum of 12 flags per site. Flags may be placed on top of boxes, stands or individual posts. Flags shall never exceed 16 feet in height from the beach elevation.

7. There shall be no other items used for calling attention to the site unless approved by the Hancock County Sand Beach Authority.

c) Motorized Vehicles – Motorized vehicles may be used to transport vendor's equipment to and from the beach. Vendors shall provide proof of insurance to the Hancock County Sand

Beach Authority and only individuals who possess a valid driver's license shall operate vehicles as required by law. These vehicles shall be marked with the name of the vendor's business on the side doors and have a current inspection sticker.

4) State and Federal Water Safety Standards – Each vendor shall have at all times on site during the hours of operation one employee who has passed the State Approved Boating and Safety Certification course, either by the Department of Wildlife, Fisheries, and Parks or the Department of Marine Resources. Furthermore, only an employee who has passed such courses may instruct the rental of all rules and requirements.

5) Rentals to Minors – Each vendor is prohibited from renting or leasing jet skis, wave runners, motor boats, sail boats, paddle boats, and/or other water craft to any minor under the age of 18 without consent of his or her legal guardian.

6) Accident Reports – Should any person renting or leasing a jet ski, wave runner, motor boat or any other type of water craft become injured or otherwise involved in an accident on the Hancock County Sand Beach or waters thereof, then said vendor shall notify the Hancock County Sheriff's Office immediately. Vendors shall also submit an accident report to the State of Mississippi Department of Wildlife, Fisheries and Parks in Jackson, Mississippi within five (5) days as required by law. Failure to do so will result in revocation of permit.

7) Safety Corridor – Vendors renting small boats, jet skis, sail boats, or similar water craft shall be responsible for the operation of such craft with due regard for the safety of persons swimming or bathing in the waters adjoining the beach. All persons renting such craft will be instructed to sail outside the swimming area (swimming areas are defined as the shore line to the deep water markers) and South of the East-West navigational channel, which runs approximately 1500 feet South of the beach. A corridor at least 100 feet wide leading from the beach to the navigational channel will be marked off with easily visible floats or other markers, and posted to warn swimmers of the

use of the corridor by water craft. Any person found operating water craft outside such corridors and North of the 1500 feet navigational channel shall be in violation of this ordinance and subject to the penalties as set forth herein.

8) Cleaning of Beach – Vendors must keep the beach area cleaned by policing their assigned area within a radius of one hundred (100) feet of the rental area.

9) Beach Maintenance by Beach Crews – See Section VI.

10) Public Use of Beach – The members of the general public have reasonable and lawful right of use of the Hancock County Sand Beach, for passage to and from, sun bathing, recreation and other uses appropriate to public sand beach, beach vendors shall not hinder the public from using the beach as described above.

11) Limits on Rental Items – Vendors shall be limited to eight (8) rental motorized water crafts per site. Vendors shall have one additional motorized water craft on site during all hours of operation and said vessel shall be designated as a safety vessel and not for rent. All motorized water craft subject to rent for ride shall not exceed 900 cc. Safety vessel may be larger in size.

B. Retail Businesses – Sales to the public of water and beach related recreational items such as umbrella and chair rentals, food, food carts, snowball stands, photography services, and goods sold related thereto, and/or services such as tour train rides and other vehicle transportation, may be authorized upon the following conditions:

1) Any person desiring to offer said items for sale to the public shall submit a bid for a permit to the Hancock County Board of Supervisors in accordance with bid documents and state law. Upon concurrence of the Hancock County Board of Supervisors, the Hancock County Sand Beach Department may then issue the permit designated the area of the beach in which the permittee may conduct such retail sales business, no sooner than March 1 of each year, and the termination date of the permit. No merchandise, structure, or object of any kind may be left on the beach after the termination date of the permit, or November 1st, whichever comes first.

2) Conditions for Issuing Permits:

a) **State Tax Certificate** – The permittee must present evidence before conducting any business of being in receipt of a Mississippi sales tax license number and shall furnish sufficient evidence from the State Tax Commission of the current status payment of applicable sales taxes. The permittee must also have a Mississippi State Board of Health Certificate.

b) **Privilege Tax License** – Each permittee must provide to the Hancock County Sand Beach Authority sufficient proof of a privilege license obtained from the city wherein the vendor operates. Mobile vendors must have a privilege license from each municipality in which they do business.

c) **Areas of Operation** – Permits shall be issued only for those areas shown on the map on file in the office of the Hancock County Sand Beach Department, said map is made part of this ordinance by reference.

d) **Number of Permits** – The number of retail sales permits issued under this section will be limited as follows:

<u>Site #Location</u>	<u>Type of Vending Site</u>
W-1 Washington St. & S. Beach	motorized/nonmotorized
W-2 Washington St. & S. Beach	motorized/nonmotorized
N-1 Nicholson St. & S. Beach Blvd	nonmotorized
C-1 Coleman Ave. & S. Beach Blvd.	nonmotorized
L-1 Lakeshore Beach	motorized/nonmotorized
L-2 Lakeshore Beach	motorized/nonmotorized
L-3 Lakeshore Beach	motorized/nonmotorized
L-4 Lakeshore Beach	motorized/nonmotorized
L-5 Lakeshore Beach	motorized/nonmotorized

e) **Term of Permits**

1. **Sale and Transfer of Permits:** Permits issued under this section cannot be transferred, sold, or sublet.

2. Permit Fee: The County will solicit bids for beach vendors to set up in specified locations. These bids will be accepted after being publicized for at least three weeks in the local newspaper. The County will accept the highest vendor bid, though the County reserves the right to reject any and all proposals.

3. Penal Bond Required: The applicant shall, in advance of conducting any business, furnish and make payable to Hancock County a good and sufficient penal bond in the amount of One Thousand Dollars (\$1,000.00) for the duration of the permit. This Penal Bond of \$1,000.00 shall cover and apply to all permitted sites of the applicant. Provided however, in the event the applicant fails to comply with this Ordinance, then applicant shall cease operations on all applicant's permitted sites until applicant is fully in compliance with this Ordinance.

4. Insurance Required: Each vendor who engages in the business of sales to the public of water and beach related recreational items such as umbrella and chair rentals, food, food carts, snowball stands, photography services, and goods sold related thereto, and/or services such as tour train rides and other vehicle transportation, shall provide to Hancock County Board of Supervisors evidence that the vendor has in force liability insurance protection in an amount not less than \$300,000.00 naming Hancock County as a named insured. . Each vendor is required to have in his or her possession on the location at all times proof of said insurance. The Hancock County Sand Beach Authority maintains the right to perform periodic inspections for proof of insurance. Failure to maintain said insurance and/or have proof thereof will result in automatic revocation of the permit issued by the Hancock County Sand Beach Department.

5. Hold Harmless Clause: Vendor shall agree that it will indemnify, and hold harmless Hancock County from any and all claim for damages as a result of property loss, personal injury claims, tort claims, negligence claims, or any damages whatsoever.

6. Grounds for Revocation of Permit: Any vendor his or her employees or agents, who unlawfully uses, distributes, or possesses drugs, controlled substances, or drug related paraphernalia, or alcohol while operating as a vendor on the Hancock County Sand Beach shall have his or her

permit revoked. Should any vendor be found by the Sand Beach Authority to have violated any provision set forth in this Sand Beach Ordinance, then that vendor will be subject to revocation of permit by the Hancock County Sand Beach Authority. Any revocation for cause of a vendor permit can result in the automatic refusal of future permits to said vendor by the Hancock County Sand Beach Authority.

3) Regulations Governing Retail Business

a) **Vendor Stands** – The vehicle to be used in sales of items specified herein shall be no more than twenty (20) feet in length. The vendor shall exhibit and sell his wares only from the vehicle. The vehicle utilized by vendors of food items must be equipped as to meet all requirements of the Mississippi Department of Health. Each vendor is restricted to one stand.

b) **Advertising** – There will be no advertising in conjunction with the enterprise other than the name of the Retail Company and the words “For Sale.” The signs will be limited to the size of 16” by 20” inches. No name of any business shall incorporate a price for services or suggest a lower price than that of a competitor. No other advertising will be allowed. No commercial name of manufacturers will be allowed on the beach. No portable signs or dollar amount shall be advertised on beach vendor stand or portable signs. Rate cards must be posted on the side of the building away from Highway 90 and may be no larger than 16” by 20”.

c) **Motorized Vehicles** – Motorized vehicles may be used to move vendor equipment to and from the beach, however vehicles are not allowed to park on the beach. All vehicles should have the beach business name on the side doors.

4) All vendors must comply with all pertinent county, city, state, and federal law.

5) Food vendor vehicle authorized to operate from the sand beach south of the seawall shall at no time be allowed to situate their vehicles more than thirty (30) feet south of the Seawall . In locations where no seawall exists, the food vendor vehicle will be located in the northernmost thirty (30) feet of the sand beach.

6) **Cleaning of Beach** – Vendors must keep the beach area cleaned by policing their assigned area within a radius of one hundred (100) feet of the retail area.

7) **Beach Maintenance by Beach Crews** – See Section VI.

8) **Public Use of Beach** – The members of the general public have reasonable and lawful rights of use of the Hancock County Sand Beach, for passage to and from, sunbathing, recreation, and other uses appropriate to a public sand beach, beach vendors shall not hinder the public from using the beach as described above.

9) **Violation of Ordinance** – Any person violating any of the terms and provisions or the aforesaid section VII shall be in violation of this ordinance and subject to the penalties as set forth in Section XIV.

C. SPECIAL EVENT PERMITS

1) General Conditions:

Any person desiring to use the sand beach for a special event including sale of merchandise (limited to sale to the public) of water and beach related recreational items, or food, food carts, snowball stands, photography services, and goods sold related thereto, and/or services such as tour train rides or other vehicle transportation, shall make application for a Special Event permit to the Hancock County Sand Beach Department. Upon concurrence of the Hancock County Sand Beach Department may then issue the permit designating the area of the beach in which the permittee may conduct his/her activity and the termination date of the permit. No merchandise, structure, or object of any kind may be left on the beach after the termination date of the permit, or after the normal beach season ends, or November 1st, whichever comes first.

2) Conditions for Issuing Permits:

a) **State Tax Certificate** – The permittee must present before start of business of being in receipt of a Mississippi sales tax license number and shall furnish sufficient evidence from the State Tax Commission of the current status of payment of applicable sales taxes.

b) **Insurance Required** – Any person desiring to use the sand beach for a special event including sales of merchandise (limited to sale to the public) of water and beach related recreational items such as umbrella and chair rentals, food, food carts, snowball stands, photography services, and goods sold related thereto, and/or services such as tour train rides and other vehicle transportation, shall provide to Hancock County Board of Supervisors evidence that the vendor has in force liability insurance protection in an amount not less than \$300,000.00 naming Hancock County as a named insured. . Each

vendor is required to have in his or her possession on the location at all times proof of said insurance. The Hancock County Sand Beach Authority maintains the right to perform periodic inspections for proof of insurance. Failure to maintain said insurance and/or have proof thereof will result in automatic revocation of the permit issued by the Hancock County Sand Beach Department.

c) **Hold Harmless Clause** – Special events permittee shall agree that it will indemnify, and hold harmless Hancock County from any and all claims for damages as a result of property loss, personal injury claims, tort claims, negligence claims, or any damages whatsoever.

d) **Areas of Operation** – Permits shall be issued only for those areas shown on the map on file in the office of the Hancock County Sand Beach Department, said map is made part of this ordinance by reference.

e) **Term of Permits** – Permits issued under this provision are limited activities. Short term defined as 1 to 7 days. Any permit longer than short term will fall under the provisions concerning Rental Businesses or Retail Businesses in this section.

f) **Sale and Transfer of Permits**: Permits issued under this section cannot be transferred, sold, or sublet.

g) **Permit Fee and Deposit**: The County will solicit bids for beach vendors to set up in specified locations. These bids will be accepted after being publicized for at least three weeks in the local newspaper. The County will accept the highest vendor bid, though the County reserves the right to reject any and all proposals.

h) **Grounds for Revocation of Permit**: Any special events permittee or his or her employees or agents, who unlawfully uses, distributes, or possesses drugs, controlled substances, or drug related paraphernalia, or alcohol while operating as a vendor on the Hancock County Sand Beach shall have his or her permit revoked. Should any vendor be found by the Sand Beach Authority to have violated any provision set forth in this Sand Beach Ordinance, then that vendor will be subject to revocation of permit by the Hancock County Sand Beach Authority. Any revocation for cause of a vendor permit can result in the automatic refusal of future permits to said vendor by the Hancock County Sand Beach Authority.

i) Regulations for Special Event Permits:

1. All beach use must be coordinated with the Sand Beach Department at 854 Highway 90 Suite A, Bay Saint Louis, Mississippi 39520. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. Telephone 228-467-4157.

2. Information on events should be sent to this office 30 days before the event is scheduled. Approval by the Hancock County Board of Supervisors is required before permission will be granted.

3. Permittee will be responsible for cleaning the area after the event is held.

4. The following are not permitted on the beach: (Section V of Beach Ordinance)

- a. Glass containers of any kind**
- b. Motor vehicles**
- c. Live stock**
- d. Fire arms**
- e. Fireworks – except by special permit**
- f. Litter**

5. No events will be held in designated wildlife/least tern nesting areas.

6. Crowd control is the responsibility of the beach user. Contact the Hancock County Sheriff's Department for assistance or the municipality in whose jurisdiction the event is performed.

I. Sheriff's Office 466-6900

II. Bay Saint Louis Police 467-9222

III. Waveland Police 467-3669

7. The Hancock County Board of Supervisors, may from time to time issue such other special use permits as in its sole discretion it deems appropriate.

D. MAINTAINING BEACH – The Hancock County Board of Supervisors retains the right to have all rental and sale items and any signs, structures, or equipment in connection therewith removed from the beach at any time that the Board shall determine it is necessary to enable the Board to fulfill its responsibility for maintaining the beach for public use.

E. RIGHT TO APPEAL - In the event the Hancock County Sand Beach Department shall choose to permit a vendor as provided for in this section, any applicant for either of such permit who has been approved as a permittee, but who considers the conditions attached to the issuance of his license to be so burdensome as to deprive him of the benefits of the permit, may appeal to the Board of Supervisors of Hancock County for relief from the allegedly burdensome condition or requirement, which said appeal shall be made in the manner set out below.

1. Written notice of any such appeal must be given within ten (10) days after the permit containing the protested condition or requirement is offered the applicant.

2. The only question to be presented or considered on the appeal is whether the protested condition or requirement attached to or contained in the proffered license is so restrictive and unreasonable as to constitute an interference with the free public use of the sand beach by all members of the general public in accordance with valid laws, ordinance and police regulation.

3. Notice of appeal shall be in writing and shall be delivered by registered or certified mail to the Clerk of the Hancock County Board of Supervisors. the hearing on said appeal shall be heard on 15 days written notice to all appropriate parties, no later than 60 days after receipt of said appeal. Both the appellant and the issuing authority shall be entitled to be represented by counsel and to present oral and documentary evidence on the single issue defined above.

4. If the appeal shall be denied the appellant may accept the proffered license by written acceptance and compliance with the requirements within ten (10) days, failing to do so, the license shall become and be void. If the appeal shall be successful, in whole or in part, the Board of Supervisors shall modify the license to conform to their decision and the appellant shall have

ten (10) days to comply with its requirements. Failure to do so, the modified license shall become and be void.

F. SPECIFICATIONS OF BEACH SEASON –

No permit whether “Rental,” “Retail,” or “Special Event,” as set forth in Section VI, shall authorize or permit boats or other watercraft, merchandise of any kind, or other sales or rental appurtenances or equipment, to remain on the beach after the date of termination of the permit issued to any vendor or between the dates of November 1st of each year through March 1st of the next succeeding year, nor may any such objects be left unattended at any other time for a period exceeding three (3) days. The Hancock County Sand Beach season is declared to begin March 1 of each year and end November 1 of each year. The Board of Supervisors of Hancock County shall have the right to adjudicate that any such property left on the beach interferes with the public’s use of the Sand Beach and the County’s duty to maintain the sand beach, and shall enter on its minutes such a finding directing the Hancock County Sand Beach Department to forthwith remove the same. Failure of the vendor to recover his goods within 30 days after such removal and to pay all cost and expense of removing and storing the articles, shall result in the vendor’s permit being immediately and automatically voided, and the property vendor shall be subject to action for recovery of the cost and expense of seizure, removal and storage.

G. Nuisances – Loud or unusual noises are recognized as having the potential of being injurious to the public health, safety, and welfare, and may be prohibited or regulated by the Hancock County Sand Beach Department. Loud or unusual noises are defined as sounds being plainly audible at a distance of one hundred (100) feet from the source of amplification, and may be regulated on the seawall structure itself, that portion of the seawall easement or right-of-way north of the seawall structure, and the Sand Beach.

VI. REGULATIONS RELATING TO BEACH MAINTENANCE

A. In order to permit orderly cleaning and maintenance of the beach, Vendors shall observe the following rules:

- 1) Vehicles, merchandise and all other items shall not be placed so as to hamper maintenance vehicles and equipment in their use of access ramps, or to interfere with regular vehicle movement across the beach.**
- 2) Each vendor is responsible to see that merchandise is collected and stacked, stored or grouped, and all litter removed, so that beach maintenance vehicles can move freely in the area at night and early morning hours**

without damage either to the merchandise or property of the vendor, or to the maintenance vehicles.

3) If complete freedom of movement of maintenance vehicles cannot be provided, the vendor shall so notify the Hancock County Beach Authority, giving his reason for failure to provide freedom of movement.

B. The right of riparian owners to, at their own risk, leave small boats on the beach anchored to stakes is recognized, subject to such beach use not interfering with regular maintenance and clearing of the beach. In order to ensure such freedom to clear and maintain the beach, riparian owners must observe the following rules:

1) Boats may not be clustered or grouped and must be separated a distance of at least feet.

2) Only boats owner or authorized by the riparian owner shall be left on the beach.

3) The anchor of stake to which the boat is affixed shall be of such size and of a safety orange color as to be clearly visible to beach maintenance personnel.

4) Boats may not be staked or anchored at both ends so as to prevent the boat from being swung to one side to permit maintenance of the area around and under the boat.

C. When in the judgment of the Board of Supervisors it is necessary to temporarily close any part of the beach for replenishment or heavy maintenance, an order for such closing shall be entered into the minutes of the Board specifying the reason for closing and the estimated period of time the affected section of the beach will be closed. Such order shall be published one time in a newspaper having general circulation in Hancock County.

D. The beach may also be closed by reason of hurricane warning, on order of the Civil Defense officials of Hancock County or the Hancock County Board of Supervisors. In the event of such closing, all vendors' merchandise, vehicles and other property, and all movable structures of every kind will be removed from the beach immediately. All persons having no official duties on the beach will be barred from all areas of the beach during such danger periods.

E. Registration of Boats – Boats left on the beach by owners shall be registered with the Hancock County Sand Beach Department to insure that the Sand Beach Department may contact the owner due to damage, hurricane, or storm.

F. Dumpsters for collection of garbage and trash will be located on the beach only at points approved by the Sand Beach Department. No dumpster shall be so placed as to interfere with beach maintenance vehicles and equipment or their access to ramps leading onto the beach.

VII. DUNES, GRASSES DUNE FENCING, AND EROSION CONTROL

It shall be unlawful for any person or persons to remove or in any way damage dunes, grasses or other vegetation, trees or shrubs growing on beach dunes; or damage dune fencing or other devices used in retention of sand on the beach; and any and all other devices used in erosion control.

VIII. STRUCTURES, BOARDWALKS, PARKING LOTS, SIGNS AND OTHER COUNTY STRUCTURES AND IMPROVEMENTS

It shall be unlawful for any person or persons to remove, vandalize, deface, pain, or in any way damage structures, boardwalks, parking lots, signs, and other County structures and improvements.

IX. EXCEPTIONS TO THIS ORDINANCE

Any structure or businesses heretofore formally approved for erection or operation upon the Sand Beach as evidenced by minutes of this Board or order of Federal Court shall be excepted from the regulations set forth herein when such regulations are in conflict with the written approval under which such structure was erected or such business authorized.

X. ENFORCEMENT

All municipal law enforcement officers in whose jurisdiction the Sand Beach, or a part thereof lies; all sheriff's deputies, constables, other law enforcement officers; and specifically the Hancock County Sand Beach Employees, area hereby authorized, empowered, requested, and charged with the duty of enforcing this ordinance which shall be in full force and effect from and after the date of its adoption. Nothing in this ordinance shall be so construed as to prevent any member of the public from exercising his reasonable and lawful use of the beach as a sand beach or to authorize any other officer or entity to prevent such public use.

XI. VIOLATION OF ORDINANCE

Any person (including vendors and their employees or agents) violating any of the provisions, rules or regulations of this Ordinance, shall be guilty of a misdemeanor, punishable by a fine in the amount of not less than Twenty-five

Dollars (\$25.00) and not more than Five-hundred Dollars (\$500.00) or confined in the Hancock County Jail for not more than thirty (30) days, or both.

XII. SEVERABILITY

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 portions which shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

XIII. CONFLICT

All county ordinances or parts of county ordinances or regulations in conflict with this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect, remaining in effect however as to any pending prosecutions.

SPREAD ON MINUTES PROOF OF PUBLICATION ADVERTISING
AMENDMENT TO SAND BEACH ORDINANCE

It was moved by Supervisor Steve Seymour, seconded by Supervisor Kenny Hoda, that the Proof of Publication Advertising Amendment to Sand Beach Ordinance, be and it is hereby spread on the Minutes.

The matter then being put to a roll call vote, the result was as follows:

Those voting Yes: Supervisors David Yarborough, Kenny Hoda, Lisa Cowand, Steve Seymour and Tony W. Ladner.

Those voting No: None.

The motion having received the unanimous affirmative vote of all members of the Board, the President declared the motion carried this the 15th day of December, 2014.

The Sea Coast Echo

POST OFFICE BOX 2009
BAY SAINT LOUIS, MS 39521-2009

PROOF OF PUBLICATION

STATE OF MISSISSIPPI
HANCOCK COUNTY

PERSONALLY appeared before me the undersigned authority in and for said County and State, JAMES R. PONDER, publisher of THE SEA COAST ECHO, a newspaper printed and published in the City of Bay Saint Louis, said County, who being duly sworn, deposes and says the publication of this notice hereunto annexed has been made in the said publication 1 weeks to-wit:

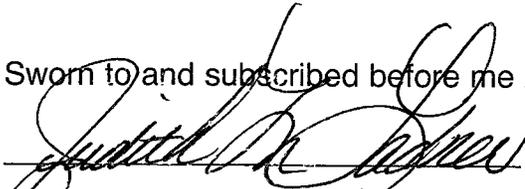
On the 06 day of December 2014
On the _____ day of _____ 2014
On the _____ day of _____ 2014
On the _____ day of _____ 2014

AMENDMENT TO THE SAND BEACH ORDINANCE OF HANCOCK COUNTY, MS
THE BOARD OF SUPERVISORS OF HANCOCK COUNTY, MS, AMENDED THE SAND BEACH ORDINANCE OF HANCOCK COUNTY, MS, ADOPTED ON JUNE 2, 2014, TO ALLOW LEASHED DOGS ON THE BEACH, AND FIREWORKS ON THE BEACH UNDER THE COUNTY'S CURRENT FIREWORKS ORDINANCE ALREADY IN PLACE. THE AREA OF THE JURISDICTION IS ALL AREAS OF SAND BEACH WITHIN HANCOCK COUNTY THAT ARE WITHIN THE PURVIEW OF THE SECRETARY OF STATE AND MAINTAINED BY THE HANCOCK COUNTY BOARD OF SUPERVISORS. ADOPTED AND AMENDED THIS THE 16TH DAY OF JUNE, 2014.
HANCOCK COUNTY BOARD OF SUPERVISORS
LISA COWARD, PRESIDENT
BY: TERRY E. GUENARD, D.C.
12/06/14



Publisher

Sworn to and subscribed before me A NOTARY PUBLIC



this December 08 2014

\$16.20