

DATE: 08-10-15

BUNOVAN MARINE INC.
 CUSTOMER PURCHASES HISTORY REPORT BY CATALOG VENDOR

PAGE: 5

ACCOUNT: 000154 THE BRAY MAR

(COMBINED) TERM: 40

ITEM NUMBER	DESCRIPTION	TP	Y	T	Q	JAN.	FEB.	MAR.	APR.	MAY	JUN.	JUL.	AUG.	SEP.	OCT.	NOV.	DEC.
Y110 TIE DOWN ENGINEERING INC.																	
5705145	B6100 SWIVEL BRACKETS (PR)	B	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
577102	B6140 GLV BUNK BRACKET B"	B	5	0	0	0	0	0	0	0	5	0	0	0	0	0	0
570102	B6103 BOAT GUIDE HO	R	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0
0000 MCF AMERICA INC (ATT:JACQUES)																	
067000	UNA-207 SPRING SLIPPER 7504	B	2	0	0	0	0	0	0	0	0	0	0	0	0	2	0
067025	UNA-015 4LV SLIPPER FLAT 25-1/8"	R	2	0	0	0	0	0	0	3	1	0	0	0	0	0	0
0010 WFLEX USA																	
8040045	ROTECH17FC ROTARY SYSTEM 17'	R	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0
0110 MESBAR DIVISION OF CEQUENT																	
005315	403336 FAIL LITE LENS LOW PRO	R	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0

DATE: 00-10-16

DENNY'S MARINE INC.
CUSTOMER PURCHASES HISTORY REPORT BY CATALOG VENDOR

PAGE: 0

ACCOUNT:

(COMBINED) TERM: 90

ITEM NUMBER	DESCRIPTION	TP	Y	T	D	JAN.	FEB.	MAR.	APR.	MAY	JUN.	JUL.	AUG.	SEP.	OCT.	NOV.	DEC.	
TOTAL CUSTOMERS:																		1
TOTAL ITEMS PURCHASED:																		144
AVERAGE ITEMS/CUSTOMER:																		144



Customer Application

All items must be filled out in order to process application.

New Account Policy: Donovan Marine will only sell to established marine businesses. Customer must have a physical place of business and a sales tax certificate in the name of the business. An initial order to be determined by the Regional Sales Manager is mandatory. Donovan Marine requires annual minimum purchases of \$5000. or more. All COD or credit card request accounts are required to reference their banking information.

BUSINESS INFORMATION

Name of Business: _____ Date: _____

Mailing Address: _____ Phone No.: _____
Street

City _____ State _____ Zip Code _____

Shipping Address: _____ Fax No.: _____
Street

Same as Mailing Address
City _____ State _____ Zip Code _____

Business Website: _____

Business Type: Sole Proprietorship Partnership Corporation Limited Liability Corporation

How Long In operation? _____

Tax Exempt: Yes No (If Yes, attach copy of exemption)

Tax Code: _____ (MUST attach resale certificate)

Name of Sales Person at Donovan Marine? DARRELL DOMANGUE TERR-40

PARTNERS, PRINCIPAL OFFICERS AND/OR STOCKHOLDERS

Name _____ Residence Address _____

Name _____ Residence Address _____

Name _____ Residence Address _____

BACKGROUND INFORMATION

What is the nature of your business?

- Marine accessories retailer
- Boat/motor/trailer sales and service
- Commercial towing/offshore operator
- Shipyard
- Oil field contractor
- Engine repair
- Electronics sales and service
- Other: _____

Where do you buy you marine supplies from currently? _____

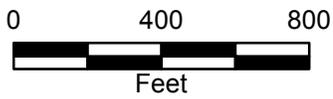
What is your current dollar value of annual purchases of marine supplies? _____

Signature of Applicant (or authorized partner or officer): _____

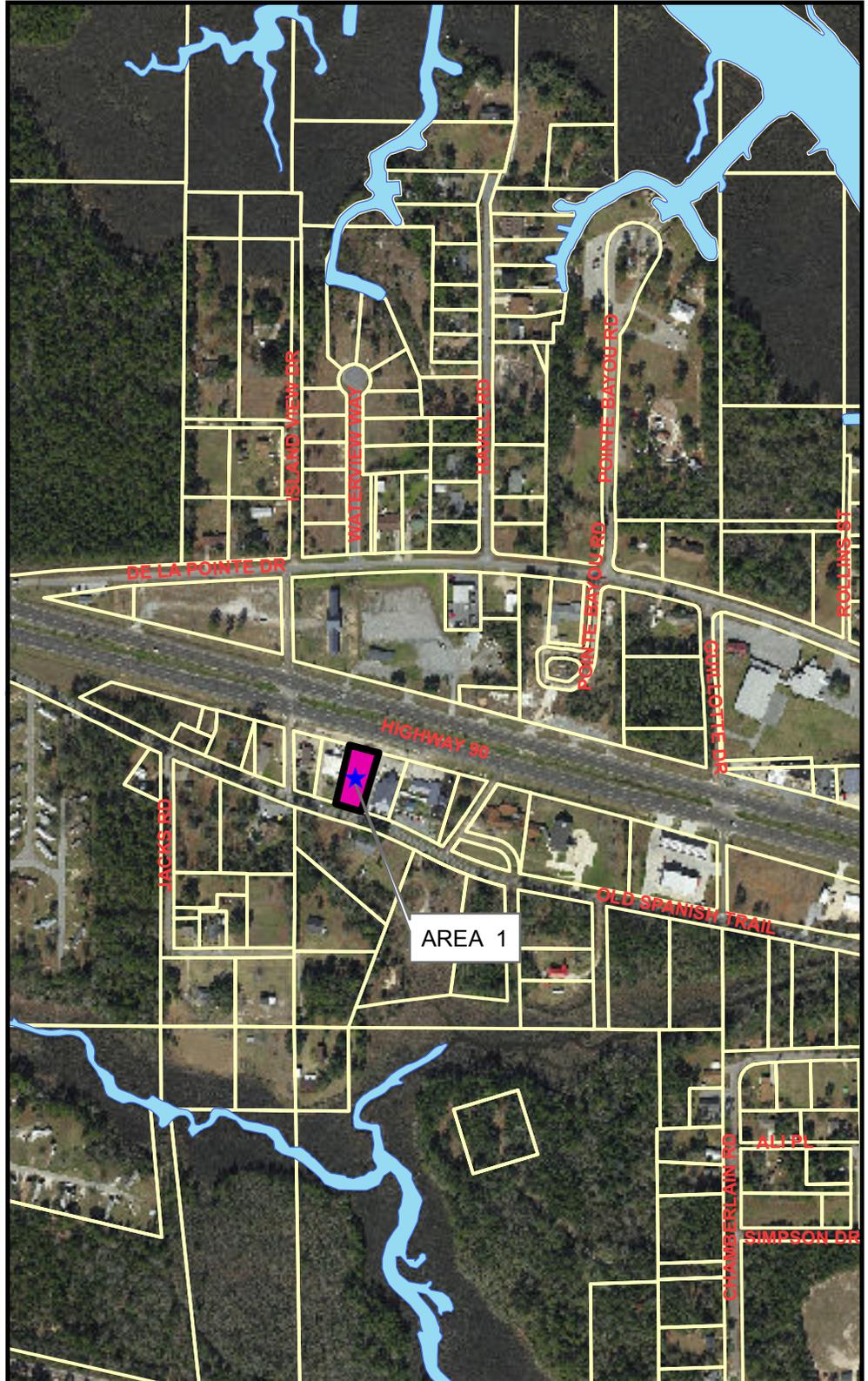
Reviewed and Approved by: _____ Date: _____

**Location Map
1105 Highway 90
Staff Appeal**

**City Of Gautier
Economic Development/Planning**

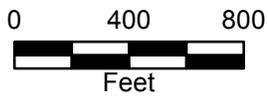


**Prepared by the
City of Gautier
Planning Division**



Existing Zoning Map

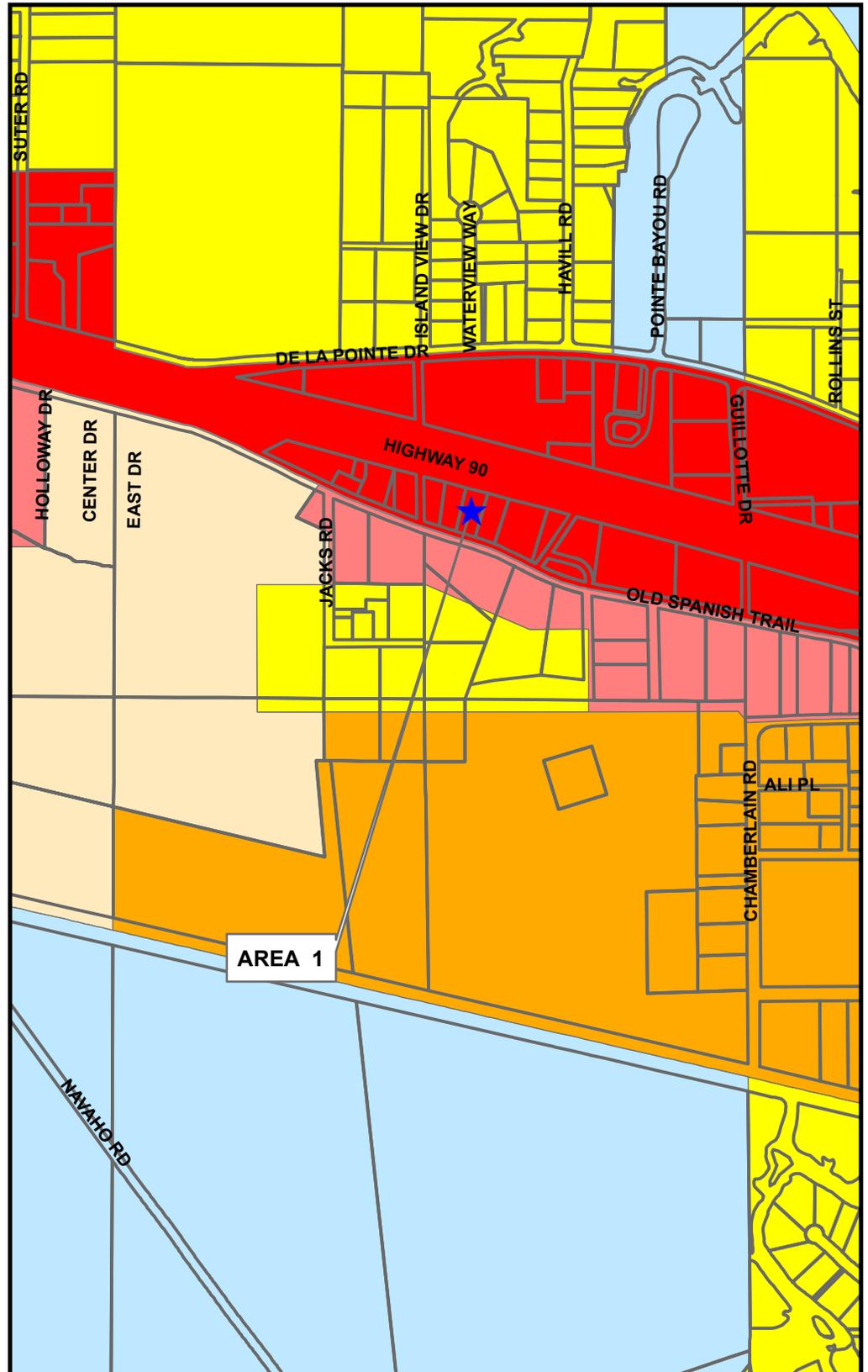
**City Of Gautier
Economic Development/Planning**



**Prepared by the
City of Gautier
Planning Division**

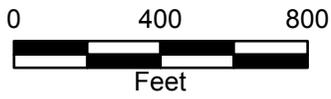
Legend

- AG Agricultural
- PL Public/Semi-Public
- PUD Planned Unit Development
- R-1 Low Density Residential
- R-2 Multi-Family Residential
- R-3 Mobile Home District
- MUM
- TC
- MURC-1
- MURC-2
- MURC-MW
- C-1 Neighborhood Commercial
- C-2 Community Commercial
- C-3 Highway Commercial
- I-2 Industrial



Existing Land Use Map

City Of Gautier
Economic Development/Planning

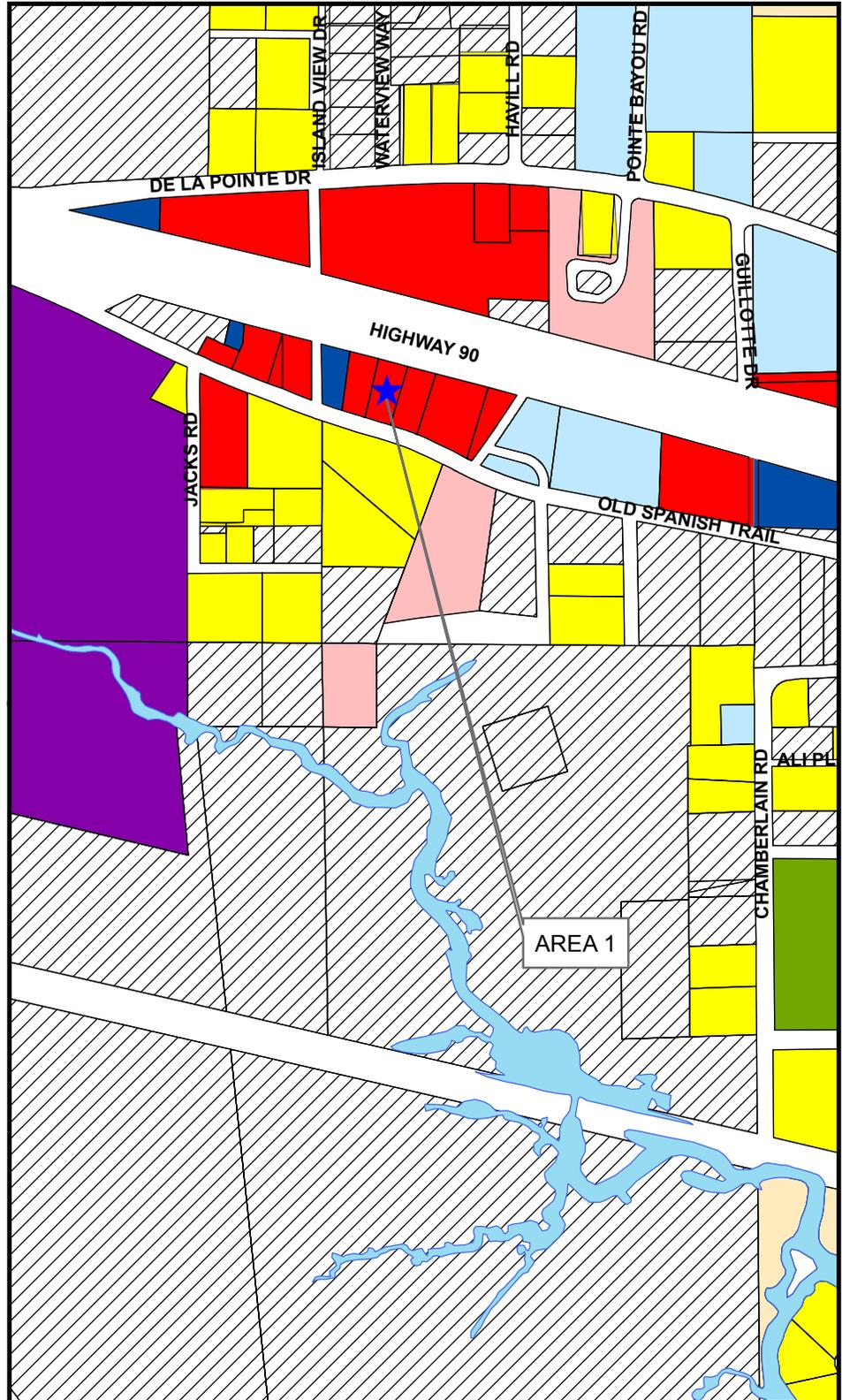


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Planning Division

Legend

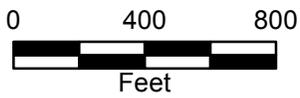
EXISTING LAND USE

- Commercial-Retail
- Conservation
- Civic
- Industrial
- Marina/Fish Camps
- High Density Residential
- Mobile Home
- Mobile Home Park
- Medium Density Residential
- Office
- Recreation
- Very Low to Low Density Residential
- Utility
- Vacant



Future Land Use Map

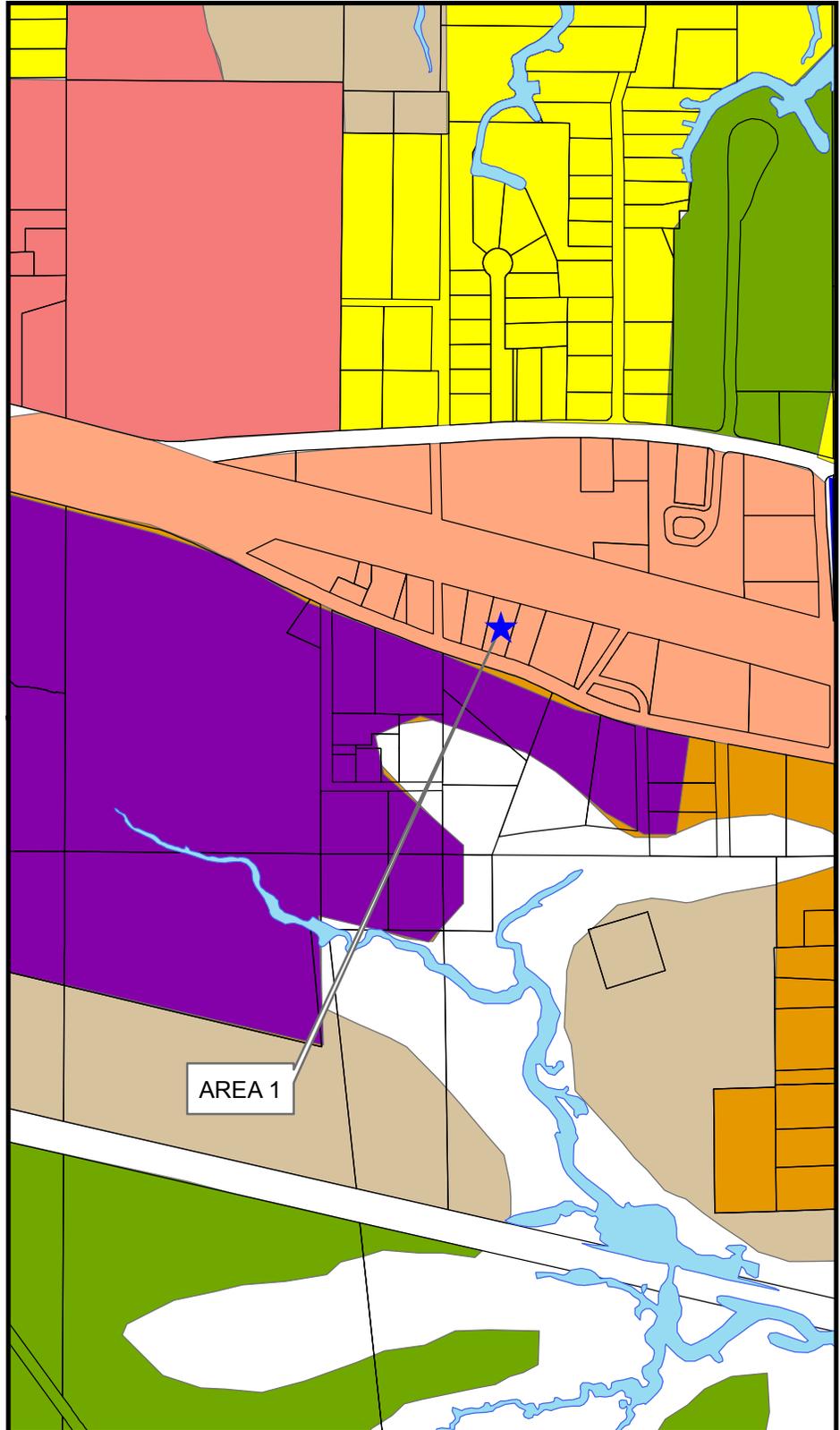
City Of Gautier
Economic Development/Planning



Prepared by the
City of Gautier
Planning Division

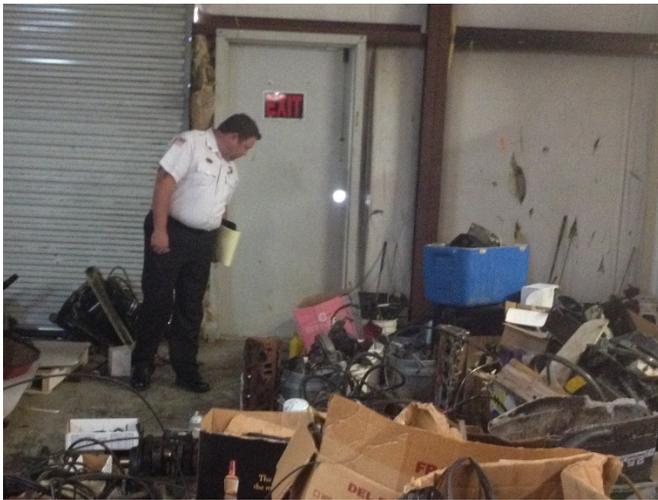
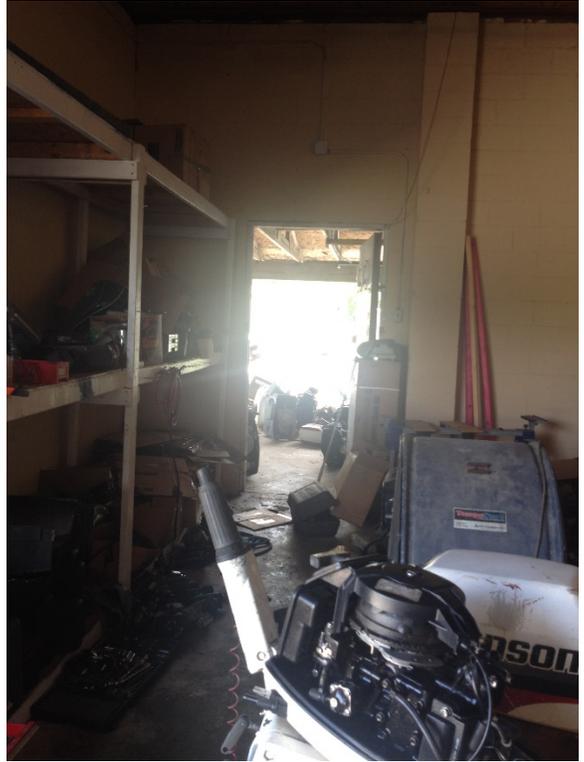
Legend

-  Civic
-  High Impact Commercial
-  Conservation
-  High Density Residential
-  Industrial
-  Low Density Residential
-  Medium Density Residential
-  Mobile Home Residential
-  Low Impact Commercial
-  Recreational
-  Recreational Commercial
-  Regional Scale Commercial
-  Mixed Use Residential
-  Town Center
-  Very Low Density Residential



PHOTOS – 1105 HIGHWAY 90















Mayor
Gordon J. Soltott

City of Gautier
Gautier, Mississippi

City Manager
Samantha D. Bell

Council

At Large Mary F. Martin
Ward 1 Johnny Jones
Ward 2 Kirby Ray Sullotte
Ward 3 Casey C. Vaughan
Ward 4 Charles "Rusty" Anderson
Ward 5 Adam D. Colledge

City Clerk
Cynthia Russell

3880 Highway 90
Gautier, MS 39553
Phone: (228) 497-8000
Fax: (228) 497-8028
Email: gautier@gautier-ms.gov
Website: www.gautier-ms.gov



August 13, 2013

Mr. Danny Senseney
1105 Highway 90
Gautier, Mississippi 39553

Reference: Privilege License, D & S Marine 1105 Highway 90, Gautier, Mississippi 39553

Dear Mr. Senseney:

This letter is in response to complaints from neighbors, businesses, and residents of Gautier concerned about the lack of conformity to code requirements and the blight your business reflects on surrounding properties and the community. The Economic Development and Planning Department staff has reviewed your privilege license to operate a retail sales business and boat part sales as D & S Marine at 1105 Highway 90 Gautier, Mississippi 39553. The Economic Development and Planning Department has determined that your business is actually operating along the provisions of a salvage or junkyard as defined in the Unified Development Ordinance (UDO). This type of business is not permitted in a Commercial C-3 District. A junkyard as defined in the UDO is listed below:

JUNKYARD: A place where waste and discharge of salvaged materials including inoperable vehicles, boats and other small engines are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, used lumber yards, house wrecking yards, and places or yards for storage of salvaged inoperable vehicles, house wrecking and structural steel materials, and equipment.

Additionally, the property is again in violation of the following codes:

1. Minimum level of off-street parking in accordance with the UDO, Article VII has not been maintained in the designated area.
2. Boats and vehicles parked on Highway 90 right-of-way.
3. The fence surrounding the back of the property is dilapidated and the property is overgrown with grass and weeds.
4. Clear ingress/egress from the property as identified by the City of Gautier, Fire Department.
5. Numerous non-operational boats and engines stored at the property.

The Planning and Economic Development Department will revoke your privilege license unless all violations are corrected, and the business adheres to all the provisions of the UDO no later than November 13, 2013. You have the right to appeal staff's decision within ten days of the date of this letter, by submitting a Notice of Appeal in letter form to the City Planning Commission. Appropriate fees to appeal shall apply.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Nicholson", followed by a horizontal line.

Chandra Nicholson, Director
Economic Development and Planning

Mayor
Gordon J. Gallott

City of Gautier
Gautier, Mississippi

City Manager
Samantha D. Bell

Council
At Large Mary F. Martin

Ward 1 Johnny Jones

Ward 2 Hurley Ray Guillotte

Ward 3 Casey C. Vaughan

Ward 4 Charles "Rusty" Anderson

Ward 5 Adam D. Colledge

City Clerk
Cynthia Russell

3330 Highway 90

Gautier, MS 39553

Phone: (228) 497-8000

Fax: (228) 497-8028

Email: gautier@gautier-ms.gov

Website: www.gautier-ms.gov



June 12, 2015

Mr. Danny Senseney
D & S Marine
1105 Highway 90
Gautier, MS 39553

RE: D & S Marine - 1105 Highway 90
New Business Inspection Comments

Dear Mr. Senseney:

We recently inspected your site to determine the current activities on site, so that a "Primary Use" could be established. The site is located in a C-3 zoning district, which is Highway Commercial. After reviewing your site and reviewing the Use Table in the Unified Development Ordinance, we feel the only two options for your activities would be Warehouse-Commercial or Junkyard. The Warehouse-Commercial option would require a Conditional Use approval through the Planning Commission and City Council. The Junkyard option would require a Text Change Amendment to the Unified Development Ordinance which would be approved through the Planning Commission and City Council, as well.

I've also attached a list of comments from the recent Site Inspection of items that would need to be addressed prior to issuance of a New Business Permit and a Privilege License. Once you've decided which use you would like to proceed with, we can sit down with you and go over the application and process. I've attached both applications for you convenience.

We're here to help. If you need a better explanation of any of the comments or would like to discuss further, please let us know. We'll be happy to assist however we can. If you have any questions, please contact me at 228-806-1285 or cnicholson@gautier-ms.gov. The Building Official, Scott Ankerson at 228-219-7057 or sankerson@gautier-ms.gov. The Fire Marshall, Derek McCoy at 228-497-1656 or dmccoy@gautier-ms.gov. The Public Work Director, Chad Jordan at 251-209-6292 or chad.jordan@clearwatersol.com.

Sincerely,

Chandra Nicholson
Director of Economic Development & Planning

cc: Permitting File
Robert Jones, Fire Chief
Chad Jordan, Public Works Director
Scott Ankerson, Building Official

D & S Marine
1105 Highway 90
SITE INSPECTION/PROCEDURAL COMMENTS

PLANNING DIVISION

- Use for Property – Determine which use would be more appropriate (Warehouse-Commercial or Junkyard) and submit an Application for Public Hearing. The application is attached. Once you have submitted the application, we will let you know if there are any additional submittals needed for the application to proceed to Planning Commission and we will also let you know the timeline for the hearing.
- Parking – 5 parking spaces need to be designated. One of the spaces needs to be an ADA space & marked accordingly and have an ADA parking sign. The 4 or more regular spaces need to be 9'x20'. The ADA space needs to be 9'x20' with a 5'x20' access aisle.
- Outdoor Storage of Boat/Trailers For Sale – Any desired parking or other storage of boats/trailers and other merchandise for sale needs to be in designated locations and shown on a drawing to be approved by the Planning Commission/City Council as a part of the Conditional Use Case or Text Amendment Case.
- Signage – If the signage on the property was not approved and permitted, then the signage will need to be checked for compliance, approved by the Technical Review Committee, and a permit will need to be pulled.
- Permit Needed – Any improvements to be made such as electrical changes, stair construction, etc. will require a permit prior to the work being done.

FIRE DEPARTMENT – See Attached

BUILDING DIVISION

- Electrical Panels – exterior and interior panels/meter boxes must be easily accessible with a clear space of 36"x36" directly in front of panel.
- Electrical Receptacles-General – All electrical receptacles must be wired and operate properly. No "open ground" or "open neutral" allowed.
- Exterior Receptacles – all exterior receptacles must have ground fault protection and "all weather" covers.
- Receptacles – ground fault receptacles in restrooms need to be functioning properly.
- 220 Volt Exposed Line – The 220 volt line running along the floor in the rear side area must be protected by conduit and mounted properly to the ceiling and wall or installed inside of the wall, covered by sheet rock or other approved wall sheeting. The line also needs to be properly connected to the electrical panel.
- Extension Cords – Extension cords must be plugged in properly to a hardwired receptacle and shall be free of defects or splices. No extension cords are allowed for primary power sources.
- Mezzanine Load Limits – storage mezzanine must have sign clearly posted indicating the load limits.
- Mezzanine Fall Protection – Mezzanine must have protective guard rail built in accordance with 2012 IBC.
- Water Heater Accessibility – water heater on mezzanine must have means to access by stairs, approved fixed ladder, or disappearing stairway. A clear path of access must be maintained. A clear space of 36" must be maintained around plumbing and electrical connections of the fixture.

PUBLIC WORKS

- Gravel Perimeter Stormwater Filter – A 5' strip of gravel needs to be placed around all area where materials/parts are coated with grease, oil, or other substance that stormater runoff may come in contact with.

CITY OF GAUTIER ADOPTED CODES:

CITY OF GAUTIER UNIFIED DEVELOPMENT CODE

2010 ADA STANDARDS FOR ACCESSIBLE DESIGN

2012 INTERNATIONAL BUILDING CODE (Excluding any portion that would be in direct conflict with the adopted City of Gautier Flood Damage Prevention Ordinance)

2012 INTERNATIONAL PLUMBING CODE

2012 INTERNATIONAL MECHANICAL CODE

2012 INTERNATIONAL FIRE CODE

2012 INTERNATIONAL FUEL GAS CODE

2011 NATIONAL ELECTRIC CODE

EXCERPTS FROM THE CITY OF GAUTIER UNIFIED DEVELOPMENT ORDINANCE

JUNKYARD: A place where waste and discharge of salvaged materials including inoperable vehicles, boats and other small engines are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, used lumber yards, house wrecking yards, and places or yards for storage of salvaged inoperable vehicles, house wrecking and structural steel materials, and equipment.

WAREHOUSE, COMMERCIAL: A facility characterized by extensive storage of finished products with frequent heavy trucking activity but not involved in manufacturing or production processes.



Fire Department
Robert Jones, Fire Chief

THE BOAT MAN

DATE: 6/2/2015

TO: Mr. Senseney

FROM: City of Gautier, Fire Department

RE: INSPECTION COMMENTS

The following items were noted as not meeting the adopted fire code during an inspection conducted on 5/28/15.

Building Classification

Moderate-hazard storage, Group S-1. Buildings occupied for storage uses that are not classified as Group S-2, including, but not limited to, storage of the following: Motor vehicle repair garages complying with the maximum allowable quantities of hazardous materials listed in Table 5003.1.1(1) (see Section 406.8 of the International Building Code)

MAXIMUM FLOOR AREA ALLOWANCES PER OCCUPANT

Basement and grade floor areas (Main sales Area)	30 gross
Storage, stock, shipping areas	300 gross

1. **315.3 Storage in buildings.**

Storage of materials in buildings shall be orderly and stacks shall be stable. Storage of combustible materials shall be separated from heaters or heating devices by distance or shielding so that ignition cannot occur.

At the time of inspection the stock and materials as stored in the building were in complete disarray causing exit pathways to be non-existent throughout the building causing an unsafe scenario for those trying to escape the building as well as those that might have to enter in an emergency situation.

2. **315.3.1 Ceiling clearance.**

Storage shall be maintained 2 feet (610 mm) or more below the ceiling in nonsprinklered areas of buildings or a minimum of 18 inches (457 mm) below sprinkler head deflectors in sprinklered areas of buildings.

At the time of inspection there was overhead stock within the minimum 2' of clearance. Items shall be relocated or reorganized to be in compliance.

3. **505.1 Address identification.**

New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch.

No Identification was present at the time of the inspection

2502 College Cr.
Gautier, MS 39553
P- (228) 497-1656
F- (228) 497-0100

4. **605.1 Abatement of electrical hazards.**
 Identified electrical hazards shall be abated. Identified hazardous electrical conditions in permanent wiring shall be brought to the attention of the responsible code official. Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.
At the time of inspection there was electrical wire extending through the wall feeding 220v for electrical supply to the welding machine. All permanent electrical wire shall be in approved conduit.
5. **605.3 Working space and clearance.**
 A working space of not less than 30 inches (762 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided in front of electrical service equipment. Where the electrical service equipment is wider than 30 inches (762 mm), the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space.
At the time of the inspection the electrical panel wasn't easily accessible.
6. **605.3.1 Labeling.**
 Doors into electrical control panel rooms shall be marked with a plainly visible and legible sign stating ELECTRICAL ROOM or similar approved wording. The disconnecting means for each service, feeder or branch circuit originating on a switchboard or panelboard shall be legibly and durably marked to indicate its purpose unless such purpose is clearly evident.
The individual breakers within the electrical panel shall be marked for their use which they were not at the time of the inspection.
7. **605.5 Extension cords.**
 Extension cords and flexible cords shall not be a substitute for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings or floors, or under doors or floor coverings, nor shall such cords be subject to environmental damage or physical impact. Extension cords shall be used only with portable appliances.
At the time of inspection there was an extension cords that had open splices and in disrepair. Cords shall be replaced.
8. **906.1 Portable Extinguishers Where required.**
 Portable fire extinguishers shall be installed in the following locations.
 1. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.
9. **906.2.1 Certification of service personnel for portable fire extinguishers.**
 Service personnel providing or conducting maintenance on portable fire extinguishers shall possess a valid certificate issued by an approved governmental agency, or other approved organization for the type of work performed.
10. **906.3.2 Class B fire hazards.**
 Portable fire extinguishers for occupancies involving flammable or combustible liquids with depths of less than or equal to 0.25-inch (6.35 mm) shall be selected and placed in accordance with Table 906.3(2).
A minimum 2-A 10-BC portable extinguisher needs to have no more than a 30 foot travel distance.
11. **906.5 Conspicuous location.**
 Portable fire extinguishers shall be located in conspicuous locations where they will be readily accessible and immediately available for use. These locations shall be along normal paths of travel, unless the fire code official determines that the hazard posed indicates the need for placement away from normal paths of travel.
At the time of the inspection not all portable extinguishers were in conspicuous places. Extinguishers should be mounted accordingly.

- 12. 906.6 Unobstructed and unobscured.**
Portable fire extinguishers shall not be obstructed or obscured from view. In rooms or areas in which visual obstruction cannot be completely avoided, means shall be provided to indicate the locations of extinguishers.
- 13. 906.7 Hangers and brackets.**
Hand-held portable fire extinguishers, not housed in cabinets, shall be installed on the hangers or brackets supplied. Hangers or brackets shall be securely anchored to the mounting surface in accordance with the manufacturer's installation instructions
At the time of inspection there were portable extinguishers sitting on floor and various places. All extinguishers present need to be in service and installed accordingly. Extinguishers that are not in service shall be removed and stored in an appropriate area so as they do not get confused with ones that are in service.
- 14. 906.9.1 Extinguishers weighing 40 pounds or less.**
Portable fire extinguishers having a gross weight not exceeding 40 pounds (18 kg) shall be installed so that their tops are not more than 5 feet (1524 mm) above the floor.
- 15. 906.9.3 Floor clearance.**
The clearance between the floor and the bottom of installed hand-held portable fire extinguishers shall not be less than 4 inches (102 mm).
Portable extinguishers shall not be placed on floor.
- 16. 1006.1 Illumination required.**
The means of egress, including the exit discharge, shall be illuminated at all times the building space served by the means of egress is occupied.
At the time of inspection no emergency lighting was present at the exit discharge. Egress illumination is required at the exit discharge (doors) even though "Exit" signage is not required.
- 17. 1015.1 Exits or exit access doorways from spaces.**
Two exits or exit access doorways from any space shall be provided where one of the following conditions exists: The occupant load of the space exceeds one of the values in Table 1015.1. *Type S building Maximum Occupant load of 29*
The occupant load for the interior store front is 36 people. Due to being over the 29 person maximum for one exit the 2nd exit door that is currently locked and not in use will have to be clear and operable during hours of operation.
- 18. 1015.2 Exit or exit access doorway arrangement.**
Required exits shall be located in a manner that makes their availability obvious. Exits shall be unobstructed at all times
Make sure all exits are clear and unobstructed at all times.
- 19. 1017.5 Aisles in other than assembly spaces and Groups B and M.**
In other than rooms or spaces used for assembly purposes and Group B and M occupancies, the minimum clear aisle width shall be determined by Section 1005.1 for the occupant load served, but shall not be less than 36 inches (914 mm).
Aisles were non-existent within the building due to the untidiness of the stock and materials stored. Aisles shall be present with a minimum width of 36 inches with the goal of persons being able to have adequate access to the exit discharge. This shall apply in all portions of the building.
- 20. 2311.2 Storage and use of flammable and combustible liquids.**
The storage and use of flammable and combustible liquids in repair garages shall comply with Chapter 57 and Sections 2311.2.1 through 2311.2.4.

21. **2311.2.1 Cleaning of parts.**
Cleaning of parts shall be conducted in listed and approved parts-cleaning machines in accordance with Chapter 57.
22. **2311.2.2 Waste oil, motor oil and other Class IIIB liquids.**
Waste oil, motor oil and other Class IIIB liquids shall be stored in approved tanks or containers, which are allowed to be stored and dispensed from inside repair garages.
23. **2311.2.2.1 Tank location.**
Tanks storing Class IIIB liquids in repair garages are allowed to be located at, below or above grade, provided that adequate drainage or containment is provided.
24. **2311.2.2.2 Liquid classification.**
Crankcase drainings shall be classified as Class IIIB liquids unless otherwise determined by testing.
25. **2311.2.3.1 Disposal of liquids.**
Crankcase drainings and liquids shall not be dumped into sewers, streams or on the ground, but shall be stored in approved tanks or containers in accordance with Chapter 57 until removed from the premises.
26. **2311.2.3.2 Disposal of oily waste.**
Self-closing metal cans shall be used for oily waste.
Mr. Senseney at the time of inspection you stated that you did not use rags that you used paper towels and through them in the trash. This practice does not meet code.
27. **2311.3.2 Smoking.**
Smoking shall not be allowed in repair garages except in approved locations
28. **5704.2.3.1 Smoking and open flame.**
Signs shall be posted in storage areas prohibiting open flames and smoking. Signs shall comply with Section 5703.5.
29. **5704.3 Container and portable tank storage.**
Storage of flammable and combustible liquids in closed containers that do not exceed 60 gallons (227 L) in individual capacity and portable tanks that do not exceed 660 gallons (2498 L) in individual capacity, and limited transfers incidental thereto, shall comply with Sections 5704.3.1 through 5704.3.8.5.
30. **5704.3.1.1 Approved containers.**
Only approved containers and portable tanks shall be used.
All portable fuel cans shall be UL listed.
31. **5704.3.2 Liquid storage cabinets.**
Where other sections of this code require that liquid containers be stored in storage cabinets, such cabinets and storage shall be in accordance with Sections 5704.3.2.1 through 5704.3.2.2.
Containers and portable storage tanks are to be stored in approved liquid storage cabinets.
32. **5704.3.2.1.1 Materials. (Liquid storage cabinets.)**
Cabinets shall be listed in accordance with UL 1275
33. **5704.3.2.1.2 Labeling. (Liquid storage cabinets.)**
Cabinets shall be provided with a conspicuous label in red letters on contrasting background which reads: FLAMMABLE—KEEP FIRE AWAY.
34. **5704.3.2.1.3 Doors. (Liquid storage cabinets.)**
Doors shall be well fitted, self-closing and equipped with a three-point latch.

35. 5704.3.2.1.4 Bottom. (Liquid storage cabinets.)

The bottom of the cabinet shall be liquid tight to a height of at least 2 inches (51 mm).

36. 5704.3.2.2 Capacity. (Liquid storage cabinets.)

The combined total quantity of liquids in a cabinet shall not exceed 120 gallons (454 L).

37. 5704.3.3.4 Empty containers or portable tank storage.

The storage of empty tanks and containers previously used for the storage of flammable or combustible liquids, unless free from explosive vapors, shall be stored as required for filled containers and portable tanks. Portable tanks and containers, when emptied, shall have the covers or plugs immediately replaced in openings.

At the time of inspection there were numerous portable fuel containers strewn about the premises. Previously used containers shall be stored accordingly as if they are full.

In conclusion of this review, we ask that you address each of the items labeled above along with what is required within the IFC 2012. This inspection was done to the best of our ability and the ultimate responsibility for code compliance remains with your firm. If you disagree with our findings, we are open to discussion by appointment. We understand that you are eager to move forward and our staff is here to help you move quickly through the process with our citizen's safety concerns in mind.

Sincerely,

Received By: _____ Date: _____

Mayor
Gordon J. Gollott

City of Gautier
Gautier, Mississippi

City Manager
Samantha D. Abell

City Clerk
Cynthia Russell

3330 Highway 90
Gautier, MS 39553
Phone: (228) 497-8000
Fax: (228) 497-8028
Email: gautier@gautier-ms.gov
Website: www.gautier-ms.gov

Council
At Large Mary F. Martin
Ward 1 Johnny Jones
Ward 2 Hurley Ray Guillotte
Ward 3 Casey C. Vaughan
Ward 4 Charles "Rusty" Anderson
Ward 5 Adam D. Colledge



September 8, 2015

Mr. Danny Senseney
D & S Marine
1105 Highway 90
Gautier, MS 39553

RE: D & S Marine - 1105 Highway 90
Operating Without Privilege License

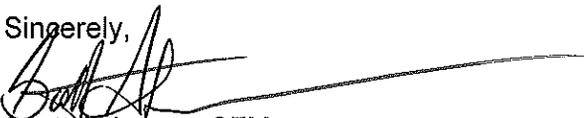
Dear Mr. Senseney:

It has come to the City's attention that you have been operating a business at 1105 Hwy 90 without a privilege license as required by City of Gautier's Unified Development Ordinance. Please consider this official notice that you have 15 days to obtain such a license. Failure to obtain a privilege license within the prescribed period will result in legal action to enjoin you from continued operation within the city. If such action is taken, legal expenses and fees will be sought in relation to the lawsuit.

Additionally, it has come to the City's attention that your business is operating outside the scope of those allowed in a C3 zone, as discussed in the city's letter, dated June 11, 2015 (attached). Once you have come into compliance with the municipal ordinance requiring a privilege license, you must regulate your activities to those permitted in C3 zones and listed on the privilege license obtained. Failure to do so will force the City to take legal action to enjoin your prohibited activities.

If you have any questions, you can contact me at 228-219-7057 or sankerson@gautier-ms.gov.

Sincerely,


Scott Ankerson CFM
Building Official

cc: Permitting File
Chandra Nicholson, Director of Economic Development & Planning
Robert Jones, Fire Chief
Chad Jordan, Public Works Director

TINDELL LAW FIRM

2200 25TH AVENUE
GULFPORT, MISSISSIPPI 39501
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A PROFESSIONAL LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW

KELLY L. CASH

TELEPHONE: (228) 896-8962
FACSIMILE: (228) 205-4457
EMAIL: kelly@tindelllawfirm.com

September, 21, 2015
Via U.S. Mail and electronic mail

Mr. Scott Ankerson
Building Official
City of Gautier
3330 Highway 90
Gautier, MS 39553

RE: D&S Marine - 1105 Highway 90

Dear Mr. Ankerson:

Our firm has been retained by Danny Senseney and D&S Marine regarding application and renewal of all permits and/or licenses necessary for D&S Marine to continue to operate in the City of Gautier.

Mr. Senseney is a long-time resident of Gautier, a business man for over twenty (20) years and D&S Marine has been conducting business in the City for over five (5) years selling, repairing and servicing boats, marine engines and related equipment and supplies.

In recent correspondence to our client, the City requested that he obtain a business permit and privilege license to do business as a "Warehouse-Commercial" property or a "Junkyard" and to apply for a Public Hearing regarding same. D&S Marine is neither a warehouse nor a junkyard. In fact, the City has issued permits for the operation of the business as a place for retail sales and boat parts for years. A plain reading of the City of Gautier Unified Development Ordinance reflects that D&S Marine falls under the definitions of "Boat Yard" and/or "Marine Sales and Services." The premises are primarily used for the reconstruction, repair, maintenance and sale of pleasure boats, marine engines, equipment and related supplies; and thus, the business falls under the City's own definition of "Boat Yard" and/or "Marine Sales and Service":

Boat Yard: A premise or site used as an industrial establishment for the provision of all such facilities as are customary and necessary to the construction, reconstruction, repair, or maintenance and accessory sale of boats, marine engines, or marine equipment, supplies, or services of all kinds including, but not limited to, rental of covered or uncovered boats slips, or dock space or enclosed dry storage space, lifting or launching services.

Marine Sales and Services: A commercial use that sells and services pleasure boats, yachts, personal water crafts and other marine vessels.

D&S Marine, as a viable Marine/Boating business, is a customer of marine parts dealer, Donovan Marine, and copies of that vendor's and other vendors' purchase histories can be provided which reflect the marine retail aspects of this business and continuing purchases of marine accessories and boat/motor/trailer parts which are used and/or sold during the day-to-day operations of D&S Marine. Since it's opening in 2010, D&S Marine has continuously held itself out to be a marine related retail and service business. And, the City has year after year, permitted those operations; nothing has changed which would alter the primary use of the current D&S Marine site. The City should have copies of those but same can be provided from 2010 to the present.

D&S Marine is not now and has not been, primarily or otherwise, a facility characterized by extensive storage of finished products with frequent trucking activity, a "Warehouse, Commercial," as defined by the City's ordinances. D&S Marine is not now and has not been, primarily or otherwise, an auto wrecking yard, a used lumber yard, a house wrecking yard, or a place for storage of salvaged inoperable vehicles, house wrecking and structural steel materials and equipment, a "Junkyard," as defined by the City's ordinances.

Since the inspection noted in the City's correspondence, code items pertinent to the operation of a retail sales and boat parts dealership and pertinent to the health, safety and general welfare of the residents of the City have been addressed. My client's intent is to and he does agree to regulate his business activities to only those permitted in C3 Zones as a Boat Yard and/or Marine Sales and Services site.

With the changes completed, and with the desirable clarification that our client has no interest in operating either a Junkyard or a Commercial Warehouse, it is my opinion that, according to the City of Gautier's Unified Development Ordinance, a request for a public hearing is not required for application to continue operations as a Boat Yard and/or Marine Sales and Services site in the applicable C-3 Zone. Please accept this letter as D&S Marine's application for renewal of his Business Permit and Privilege License for operation of a Boat Yard and/or Marine Sales and Services site at its listed address in Gautier's C-3 Zone. Surely continued efforts to maintain, rather than restrict, existing businesses which service and support the needs and boating and marine activities of the residents of Nature's Playground, Gautier, a City with winding bayous, a view of the Mississippi Gulf Coast and 70 miles of waterfront, is a desirable goal for the City.

Page Three
City of Gautier Permit/License

I thank you for your time and consideration of these matters and after your review, I ask that you please forward a copy of the renewed Business Permit and Privilege License for D&S Marine and/or your Decision regarding same to the above listed address at your earliest convenience.

With kindest regards, I remain,

Very truly yours,

A handwritten signature in black ink that reads "Kelly Cash". The signature is written in a cursive style with a large, looped "K" and a distinct "y".

Kelly Cash

cc: Danny Senseney
Chandra Nicholson, Director of Economic Development and Planning
Robert Jones, Fire Chief
Chad Jordan, Public Works Director