

ORDINANCE NO. 006-1985

AN ORDINANCE ESTABLISHING PROCEDURES
FOR ABATEMENT OF NUISANCES IN AND FOR
THE TOWN OF FLOWOOD, MISSISSIPPI

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE
TOWN OF FLOWOOD, MISSISSIPPI:

SECTION 1. DEFINITION OF "NUISANCE" For the purposes of this ordinance, the term "nuisance" is defined to mean any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited to, the keeping or depositing on, or the scattering over the premises of any of the following:

- (a) Lumber, junk, trash, or debris;
- (b) Abandoned, discarded, or unused objects or equipment such as automobiles, buses, furniture, stoves, refrigerators, freezers, cans, or containers, or abandoned, deserted and delapidated building;
- (c) Keeping unsanitary matter on premises. It shall be unlawful for any person to keep, or permit another to keep, upon any premises deleterious or septic material, unless such material is retained in containers or vessels which deny access to humans, flies, insects, rodents, an animals.

Upon a motion offered by Alderman Dewitt that Section 1 be approved as read, seconded by Alderman Bell, and all present voting aye; so moved.

SECTION 2. DUTY OF MAINTENANCE OF PRIVATE PROPERTY No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located.

Upon a motion offered by Alderman Dewitt that Section 2 be approved as read, seconded by Alderman Moore, and all present voting aye; so moved.

SECTION 3. EXTERIOR STORAGE OF NONOPERATING VEHICLES PROHIBITED No person in charge of or in control of premises, whether as owner, lessee, tenant, occupant or otherwise shall allow any partially dismantled, wrecked, junked, discarded or otherwise nonoperating motor vehicle to remain on such property longer than ten days; and no person shall leave any such vehicle on any property within the Town for a longer time than ten days; except that this section shall not apply with regard to any vehicle in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property. This ordinance shall not apply with regard to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Town or any other public agency or entity.

Upon a motion offered by Alderman Bell that Section 3 be approved as read, seconded by Alderman Dewitt, and all present voting aye; so moved.

SECTION 4. ABATEMENT OF NUISANCE BY OWNERS The owner, owners, tenants, lessees and/or occupants of any lot within the corporate limits of this Town upon which such nuisance is maintained, and also the owner, owners, and/or lessees of said personalty involved in such storage (all of which are hereinafter referred to collectively as “owners”), shall jointly and severally abate said nuisance by the prompt removal of said personalty into completely enclosed buildings authorized to be used for such storage purposes, if within the corporate limits of the Town or otherwise to remove it to a location without said corporate limits upon notification of the Mayor and Board of Aldermen.

Upon a motion offered by Alderman Bell that Section 4 be approved as read, seconded by Alderman Dewitt, and all present voting aye; so moved.

SECTION 5. PENALTY FOR FAILURE OF OWNER TO ABATE SUCH NUISANCE If said owners allow said nuisance to exist or fail to abate said nuisance after a written notice identifying such property to be issued to said owner in the hereinafter described manner, they, and each of them, upon conviction thereof shall be fined not less than twenty-five dollars nor more than five hundred dollars for each offense and a separate offense shall be deemed committed on each day during or on which such nuisance is permitted to exist.

Upon a motion offered by Alderman Dewitt that Section 5 be approved as read, seconded by Alderman Bell, and all present voting aye; so moved.

SECTION 6. ABATEMENT BY TOWN GENERALLY In the event of the failure, refusal or neglect of the owner or occupant of any premises or property to cause such nuisance to be removed or abated in the manner and within the time provided herein, it shall be the duty of the Mayor and Board of Aldermen to cause the unsanitary matter or condition constituting a nuisance, to be promptly and similarly abated, in a reasonable and prudent manner, at the expense of the Town. The Mayor and his duly authorized representative, shall compile the cost of such work done and improvements made in abating such nuisance, and shall charge the same against the owner of the premises. It is hereby provided that general overhead of administrative expense of inspection, locating the owner, issuing a notice, reinspection and ordering work done, together with all necessary incidents of same, shall require a charge of twenty-five dollars for each lot, series of two or more adjacent an contiguous lots, or tract or parcel of acreage, and such minimum charge is hereby established and declared to be an expense of such work and improvement. Notwithstanding, therefore, any tabulation of records cost, a minimum charge of twenty-five dollars shall be assessed against each lot so improved under the terms of this section, but such sum of twenty-five dollars is hereby expressly stated to be minimum charge only, and shall have no application when the tabulated cost of the work done shall exceed such minimum charge.

The Mayor shall compile the cost of the work, and after charging the same against the owner of the premises, the Mayor shall certify a statement of such expenses and shall file the same with the city clerk. Upon filing such statement with the city clerk, the Town shall have a lien upon the land described therein and upon which the improvements have been made, second only to tax liens and liens for street improvements, to secure the expenditure so made, and ten percent interest on the amount from the date of such payment. For any such expenditures, and interests, as aforesaid, suit may be instituted by the Town attorney and recovery and foreclosure had in the name of the Town; and the statement so made, as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended in any such work or improvements. Upon payment of the full charges assessed against any property, pursuant to the procedure hereinabove set forth, the Mayor shall be authorized to execute, for and in behalf of the

Town a written release of the lien heretofore mentioned, such written release to be on a form prepared and approved in each case by legal department.

Upon a motion offered by Alderman Moore that Section 6 be approved as read, seconded by Alderman Bell, and all present voting aye; so moved.

SECTION 7. TOWN MAY CONTRACT FOR ABATEMENT The Town shall have the right to award any quantity of work authorized herein to a general contractor whose bid shall be accepted by the Mayor and Board of Aldermen as the lowest and best secured bid for doing the work herein mentioned during a stipulated time not to exceed one year.

Upon a motion offered by Alderman Moore that Section 7 be approved as read, seconded by Alderman Dewitt, and all present voting aye; so moved.

SECTION 8 SUMMARY ABATEMENT In addition to the remedies prescribed by this article, and cumulative thereof, if it shall be brought to the attention of the Mayor and Board of Aldermen, and it shall be determined that any such nuisance, or nuisances, are likely to have an immediate adverse effect upon the public health, comfort or safety, then and in that event, the Mayor and Board of Aldermen may, by appropriate resolution or motion, order such nuisance or nuisances summarily abated by the city in a reasonably prudent manner.

Upon a motion offered by Alderman Bell that Section 8 be approved as read, seconded by Alderman Dewitt, and all present voting aye; so moved.

SECTION 9 PREPARATION AND MAILING OF NOTICES AND BILLS UNDER ARTICLE All notices to abate any nuisance under this article, and all statements evidencing costs to the town of abatement of nuisances, upon failure, refusal or neglect of the owner to abate the nuisance after having been notified to do so, as well as all other clerical work incident to enforcement of the provisions of this division, shall be prepared and mailed by the city clerk to the owner of record of the property.

Upon a motion offered by Alderman Dewitt that Section 9 be approved as read, seconded by Alderman Bell, and all present voting aye; so moved.

ORDAINED, this the 3rd day of December, 1985, a motion to adopt the foregoing Ordinance, which had previously been reduced to writing and considered section by section, was offered by Alderman Bell and seconded by Alderman Dewitt, having been put to a roll call vote, all present voting aye.