

ARTICLE XVI: MINIMUM PROPERTY MAINTENANCE AND APPEARANCE STANDARDS

SECTION 16.1: Maintenance and Appearance Standards

16.1.1 Scope

The provisions of this Article shall apply to all existing residential, commercial and industrial properties and premises and constitute minimum requirements and standards for premises, structures, and facilities for the health, safety, and welfare of the community. The owner or tenant of all real property within the City shall maintain the property and premises in such a manner as to conform to this Article as well as other codes and ordinances in order to avoid blighting influences on neighboring properties and causing depreciation of property values.

16.1.2 Intent

This article shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare as far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be repaired or maintenance performed to provide a minimum level of compliance of this article.

SECTION 16.2 Definitions

The following definitions are specifically applicable to this Article

BULKY WASTE: means stoves, refrigerators, water heaters, automobile parts, washing machines, furniture and other waste materials other than construction debris, dead animals, or hazardous waste with weights or volumes greater than those allowed for containers.

CODE ENFORCEMENT OFFICIAL: The official who is charged with the administration and enforcement of this ordinance, or any duly authorized representative.

EXTERMINATION: The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serves as their food; by poison spraying, fumigating, and trapping or by any other approved pest elimination methods.

HOUSEHOLD GARBAGE: The accumulation of waste from the household, primarily in home kitchens, and also may originate in restaurants, hotels, markets, and other places where food is prepared. It consists of animal and vegetable waste resulting from the preparation, cooking and serving of food. Also paper and other kitchen type wastes generated from normal household activities.

INFESTATION: The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

OCCUPANT: Any individual living or sleeping in a building, or having possession of a space within a building.

RUBBISH TRASH: A variety of both combustible and noncombustible solid waste from materials from homes, stores, and institutions. Normally, trash consists of general yard waste, small tree branches, grass clippings, leaves, small appliances and other residential rubbish, and any or all other waste materials not included in the definition of bulky waste, construction debris, dead animals, garbage or hazardous waste.

TENANT: A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

SECTION 16.3 Duties of the Code Enforcement Official

- A.** The code enforcement official shall enforce the provisions of this article and shall have the authority as necessary in the interest of public health, safety and general welfare of the City, to interpret and implement the provisions of this article.
- B.** The code enforcement official shall make all of the required inspections involving complaints and enforcement of this article in the performance of their daily duties.
- C.** The code enforcement official shall carry proper identification when inspecting structures or premises in the performance of duties under this article.
- D.** The code enforcement official shall keep records of all reported and observed violations. Records shall be retained in the property records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations. Additionally, monthly reports will be presented to the Economic Development Director as deemed necessary.

SECTION 16.4 Violations

16.4.1 Prosecution of violations

Any person failing to comply with a notice of violation may be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Penalties for violations are found in Section 3.9.1 and 3.9.2.

16.4.2 Abatement of violation

The imposition of the penalties herein prescribed shall not preclude the Economic Development Department of the jurisdiction from instituting appropriate action to abate a violation as authorized by state laws.

16.4.3 Transfer of ownership

It shall be unlawful for the owner of any property who has received a code violation notice to sell, transfer, mortgage, and lease or otherwise dispose of such property to another until the provisions of the code violation notice have been complied with. Unless such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any code violation notice issued by the code enforcement official and shall furnish to the code enforcement official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such code violation notice and fully accepting the responsibility without condition for making the corrections or repairs required by such code violation notice.

SECTION 16.5 Notification Procedures

16.5.1 Notice to person responsible

Whenever the code enforcement official determines that there has been a violation of this article or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Section 16.5.2 to the person responsible for the violation as specified in this code.

16.5.2 Prescribed notification procedures shall:

- A.** Be in writing (violation notice or letter)
- B.** Include a description of the real estate sufficient for identification
- C.** Include a statement of the violation or violations and why the notice is being issued
- D.** Include a reasonable time to make the repairs and improvements required to bring the property or premises into compliance with the provisions of this code
- E.** Such notice shall be deemed to be properly served if a copy thereof is:
 - 1.** Delivered personally or left at the residence in a conspicuous place
 - 2.** Sent by first-class mail addressed to the last known address; or
 - 3.** If the notice is returned showing the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice

SECTION 16.6 General Requirements

16.6.1 Scope

The provisions of the article shall govern the minimum conditions and the responsibilities of owners and tenants for maintenance of property and premises.

16.6.2 Responsibility

The owner or tenant of the property shall maintain the property in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this article.

16.6.3 Vacant Property and land

All vacant property and premises or vacant land that has been previously cleared shall be maintained in a clean, safe, secure and sanitary condition as provided in Section 16.7 below so as not to cause a blighting problem or adversely affect the public health, safety or welfare of the community.

SECTION 16.7 Care of Property and Premises

It is unlawful for the owner or occupant of a residential building, structure, or property to utilize the premises of such residential property for the open storage of any abandoned motor vehicle or parts thereof, appliances, building material, building rubbish or similar items." It shall be the duty and responsibility of every such owner or occupant to keep the premises as such residential property clean and to remove from the premises all such abandoned items as listed above, including but not limited to weeds, dead trees, trash, garbage, etc. Furthermore, the general site and/or premises shall be maintained in general with particular references to insuring that appearance will be and remain compatible and harmonious with properties in the general

area and will not be so at variance with other properties in the general area as to cause a substantial depreciation of such property values.

- A. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, maintained and free from hazardous conditions. All right-of-ways will be will be maintained free and clear of any temporary or permanent objects or potential hazards; such as, but not limited to, building, fences, poles, vehicles, signs, yard ornaments, basketball or soccer goals, or other obstructions shall not be permitted.
- B. The owner or tenant is responsible for maintaining all landscaping in good condition to present a healthy, neat, and orderly appearance. All property and yards shall be maintained free from weeds or plant growth in excess of six (6) inches. Weeds shall be defined as all grasses and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated plants, flowers and gardens. Shrubs and trees will be trimmed or pruned as necessary to prevent line-of-sight problems and any interference with entranceways, windows and rooflines. All premises shall be maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.
- C. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
- D. No inoperative motor vehicle shall be parked, kept or stored on any premises. No vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. **Exception:** A motor vehicle is permitted to undergo major overhaul, including bodywork, if such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.
- E. The following shall not be placed or stored on any lot or parcel unless a current building permit for the premises has been obtained and posted and the vehicles or equipment are used pursuant to that building permit. **Exception:** Storage of the following equipment types on large lots or parcels where the equipment is not readily visible to neighbors may be permitted subject to review by the Economic Development Director on a case-by-case basis.
 - 1. Backhoes
 - 2. Trenching machines
 - 3. Bulldozers and other tracked equipment
 - 4. Lifts and cranes
 - 5. Front-end loaders including bobcats
 - 6. Flatbeds
 - 7. Landscaping equipment for commercial landscaping business
 - 8. Heavy trucks and trailers
 - 9. Similar equipment and vehicles
- F. The outdoor storage or parking of any recreational vehicle, utility trailer, motorized home and equipment shall be prohibited for a period greater than

forty-eight (48) hours in all residential districts, unless the following minimum conditions are met:

1. All such vehicles or equipment shall be placed within a completely enclosed building, or located behind the front building line or lines in the case of a corner lot, but no closer than three (3) feet to any side or rear lot line.
 2. Storage or parking shall be limited to a lot or parcel of land, which is, located an inhabited dwelling unit and the vehicle or equipment is owned by the occupant.
 3. In the case of multifamily structures, all such recreational vehicles and utility trailers shall be stored at one location and shall be screened from view by a fence or landscaping buffering adequate to conceal the vehicles/trailers from view from the premises.
 4. Recreational vehicles and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilitates, or have fixed connections to electricity, water, or gas.
 5. Out of town, guests of a property owner may be permitted to park within the premises driveway only for a period of seven (7) days provided no portion of the equipment extends into the road right right-of-way or where provided, sidewalks.
 6. At no time will any recreational vehicles, equipment, trailers or boats be parked overnight on any city street.
- G.** The parking of all motor vehicles shall be confined to hard surface parking areas provided i.e., streets and driveways or designated parking areas of multifamily dwellings. Parking of motor vehicles in unpaved portions of yards, or on street median shall not be permitted on a routine basis. Parking of any vehicle or equipment which requires a commercial "C" drivers license or greater in residential districts is prohibited unless it is an exempted vehicle. Exempted vehicles include but are not limited to fire trucks, school buses, garbage trucks, and delivery trucks making authorized deliveries.
- H.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare of the community. All exterior surfaces, including but not limited to, doors, door and window frames, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.
- I.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the

walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

- J. All property and premises shall be kept free from rodent harborage and infestation. Where rodents are found, approved processes shall promptly exterminate them, which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation
- K. All residences and commercial establishments located within the City of Gautier are required to have prominently displayed thereon the appropriate street number plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch.
- L. Every structure utilized for human occupancy or habitation must be connected and serviced with:
 - 1. An approved electrical service provider licensed to provide service within the City of Gautier.
 - 2. An approved water source.
 - 3. Owners or tenants are prohibited from residing in structures without approved water and electrical power except during water or power outages or emergencies.

SECTION 16.8: Rubbish and Household Garbage

- A. The City of Gautier, Contract Service Provider will pick-up household garbage and rubbish on the scheduled pick-up day. At no time will household garbage be placed on the ground or in any drainage ditch.
 - 1. Occupants will place suitable containers with household garbage and rubbish at the curb or roadway no earlier than twenty-four (24) hours prior to pick-up.
 - 2. Occupants will remove empty containers within twenty-four (24) hours following pick-up and place containers behind their front building line.
- B. The City of Gautier, Street Division will pick-up owner or tenant rubbish and bulky waste placed at the curb or roadside as required. Any rubbish which, due to its bulk or shape, shall be tied in a bundle not to exceed five (5) feet in length or fifty (50) pounds in weight. Refrigerators, stoves, and similar equipment shall not be placed at the curb or roadway without first removing the door(s). The maximum single pickup will not exceed six (6) cubic feet of rubbish and bulky waste. The City of Gautier, Street Division will not:
 - 1. Pick-up of any household garbage.
 - 2. Pick-up tree debris associated with the clearing of property.
 - 3. Pick-up rubbish or bulky waste at any property; during or after construction, renovation, evictions, lease terminations or occupant move outs.

4. Pick-up any hazardous material, such as but not limited to batteries, tires, oils, paints, etc.
5. Pick-up rubbish and bulky waste placed under power lines, trees, or adjacent to fences, fire hydrants, and utility boxes.

SECTION 16.9 Extermination Requirements

16.9.1 Infestation

All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

- A. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.
- B. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure. Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.