

MEMORANDUM

DATE: February 22, 2012

TO: Samantha D. Abell, City Manager

THRU: Patty Huffman, Grants and Projects Manager *PH*
Zack Duke, Interim Planning and Economic Development Director

FROM: Joseph E. Belles, Code Enforcement Officer

SUBJECT: Abatement of Substandard Property Conditions, 7801 Narcissus Drive Gautier
Mississippi 39553

ISSUE:

Pursuant to the Mississippi Codes Annotated, 1972 § Title 21, Chapter 19, Section 11, Staff requests that the City Council set a public hearing date for March 20, 2012, to receive public comment regarding the abatement of the subject property.

LEGAL DESCRIPTION:

This property listed on the land assessment roll more generally described as:

PIDN 85441622.000
Lot 26 Hickory Hills Estate Subdivision
Deed Book 1649, page 597

Property Address: 7801 Narcissus Drive

Owners of Record: Nelida Alvarez

Last Known Address: 8525 Spring Avenue
Ocean Springs, Mississippi 39564

BACKGROUND:

The manufactured home was relocated to Hickory Hills from Anchor Trailer Park on Highway 90 after Hurricane Katrina. Code violations were initially identified by code enforcement in January 2010 and corrected by April 2010. The case file was reopened when the manufactured home became vacant for more than sixty days in June 2011. Code Enforcement learned the property and manufactured home were sold to the current owner in August 2011 and code enforcement began working with the new owner to ensure the home met all the manufactured home requirements as outlined in the City's Unified Development Ordinance (UDO).

Both code enforcement and the building inspector noticed modifications not in compliance with the UDO and met with the owner in January 2012. The owner was going to decide if she wanted to make all the repairs or demolish the 1970 manufactured home. Code enforcement never heard from the owner but noticed the home was being demolished without a permit or trash dumpster at the site to hold all the debris. Code enforcement immediately sent written communication to the owner to stop the demolition until a permit and trash containers were available on the site. Code enforcement with the assistance of Gautier Police Dispatchers attempted to locate the personal data needed to issue a summons to appear in municipal court but could not locate the personal information necessary. Code enforcement has noticed the manufactured home continues to be demolished on weekends. The home continues to fall into a serious state of disrepair, and poses a risk to public health, safety and welfare of the community. Other property owners and tenants in the vicinity are concerned with the visible appearance to their neighborhood and the potential dangerous condition to their children.

APPLICABLE LAW:

Mississippi Statutes establishes the abatement process for public health, safety and welfare thus:

(1) To determine whether property or parcel of land located within a municipality is in such a state of uncleanliness as to be a menace to the public health, safety and welfare of the community, a governing authority of any municipality shall conduct a hearing, on its own motion, or upon the receipt of a petition * * * signed by a majority of the residents residing within four hundred (400) feet of any property or parcel of land alleged to be in need of the cleaning. Notice shall be provided to the property owner by:

(a) United States mail * * * two (2) weeks before the date of the hearing mailed to the address of the subject property and to the address where the ad valorem tax notice for such property is sent by the office charged with collecting ad valorem tax; and

(b) Posting notice for at least two (2) weeks before the date of a hearing on the property or parcel of land alleged to be in need of cleaning and at city hall or another place in the municipality where such notices are posted.

Any notice required by this section shall include language that informs the property owner that an adjudication at the hearing that the property or parcel of land is in need of cleaning will authorize the municipality to reenter the property or parcel of land for a period of one (1) year after the hearing without any further hearing if notice is posted on the property or parcel of land and at city hall or another place in the municipality where such notices are generally posted at least seven (7) days before the property or parcel of land is reentered for cleaning. A copy of the required notice mailed and posted as required by this section shall be recorded in the minutes of the governing authority in conjunction with the hearing required by this section.

If, at such hearing, the governing authority shall adjudicate the property or parcel of land in its then condition to be a menace to the public health, safety and welfare of the community, the governing authority, if the owner does not do so himself, shall proceed to clean the land, by the use of municipal employees or by contract, by cutting grass and weeds; filling cisterns; removing rubbish, dilapidated fences, outside toilets, dilapidated buildings, personal property, which removal of personal property shall not be subject to the provisions of Section 21-39-21, and other debris; and draining cesspools and standing water there from. The governing authority may by resolution adjudicate the actual cost of cleaning the property and may also impose a penalty not

to exceed One Thousand Five Hundred Dollars (\$1,500.00) or fifty percent (50%) of the actual cost, whichever is more. The cost and any penalty may become a civil debt against the property owner, or, at the option of the governing authority, an assessment against the property. The "cost assessed against the property" means either the cost to the municipality of using its own employees to do the work or the cost to the municipality of any contract executed by the municipality to have the work done, and administrative costs and legal costs of the municipality. For subsequent cleaning within the one-year period after the date of the hearing at which the property or parcel of land was adjudicated in need of cleaning, upon seven (7) days' notice posted both on the property or parcel of land adjudicated in need of cleaning and at city hall or another place in the municipality where such notices are generally posted, and consistent with the municipality's adjudication as authorized in this subsection (1), a municipality may reenter the property or parcel of land to maintain cleanliness without further notice or hearing no more than six (6) times in any twelve-month period with respect to removing dilapidated buildings, dilapidated fences and outside toilets, and no more than twelve (12) times in any twenty-four-month period with respect to cutting grass and weeds and removing rubbish, personal property and other debris on the land, and the expense of cleaning of the property shall not exceed an aggregate amount of Twenty Thousand Dollars (\$20,000.00) per year, or the fair market value of the property subsequent to cleaning, whichever is less. The governing authority may assess the same penalty for each time the property or land is cleaned as otherwise provided in this section. The penalty provided herein shall not be assessed against the State of Mississippi upon request for reimbursement under Section 29-1-145, nor shall a municipality clean a parcel owned by the State of Mississippi without first giving notice.

(2) If the governing authority declares, by resolution, that the cost and any penalty shall be collected as a civil debt, the governing authority may authorize the institution of a suit on open account against the owner of the property in a court of competent jurisdiction in the manner provided by law for the cost and any penalty, plus court costs, reasonable attorney's fees and interest from the date that the property was cleaned.

(3) If the governing authority does not declare that the cost and any penalty shall be collected as a civil debt, then the assessment above provided for shall be a lien against the property and may be enrolled in the office of the circuit clerk of the county as other judgments are enrolled, and the tax collector of the municipality shall, upon order of the board of governing authorities, proceed to sell the land to satisfy the lien as now provided by law for the sale of lands for delinquent municipal taxes.

(4) All decisions rendered under the provisions of this section may be appealed in the same manner as other appeals from municipal boards or courts are taken.

* * *

(5) Nothing contained under this section shall prevent any municipality from enacting criminal penalties for failure to maintain property so as not to constitute a menace to public health, safety and welfare.

* * *

RECOMMENDATION:

Staff recommends City Council hold a public hearing on March 20, 2012, in order to determine the property a menace to the public health, safety and welfare of citizens and direct Staff to commence with abatement of the dilapidated manufacture home.

Parcel Information

PIDN: 85441622.000
GISP: 771.12-02-0430.00

Owner Information

Name: ALVAREZ NELIDA Percent of Ownership: 100
Name2:
Mailing Address: 8525 SPRING AVE Physical Address: 7801 NARCISSUS DR GAUTIER
OCEAN SPRINGS MS 39564

Land Information

Section, Township, Range: 12 7S 7W Acreage: .00
Street Name: NARCISSUS DR

Value and Tax Information

Total Assessed Value: 962 Total Appraised Value: 6410
Improvement Value: 3020 Land Value: 3390
Tax Amount: 126 SQ. FT: 0 Year Built: 1970

Legal Description

Description: LOT 26 HICKORY HILL EST S/D UNIT #12 DB 1649-597 (430 Map771.12-02)

Deed Book / Page: 1649 / 597



User Guide

Parcel ID:
85441622.000

Owner Name 1:
ALVAREZ NELIDA

Owner Name 2:
Owner Address: 8525
SPRING AVE

Owner City: OCEAN
SPRINGS MS

Owner ZIP: 39564

Parcel Location: 7801
NARCISUS DR GAUTIER

Zoning Code: R-3

Legal Description 1:
LOT 26 HICKORY HILL
EST S/D

Legal Description 2:
UNIT #12 DB 1649-597

Legal Description 3:
(430 Map771.12-02)

Legal Description 4:

Legal Description 5:

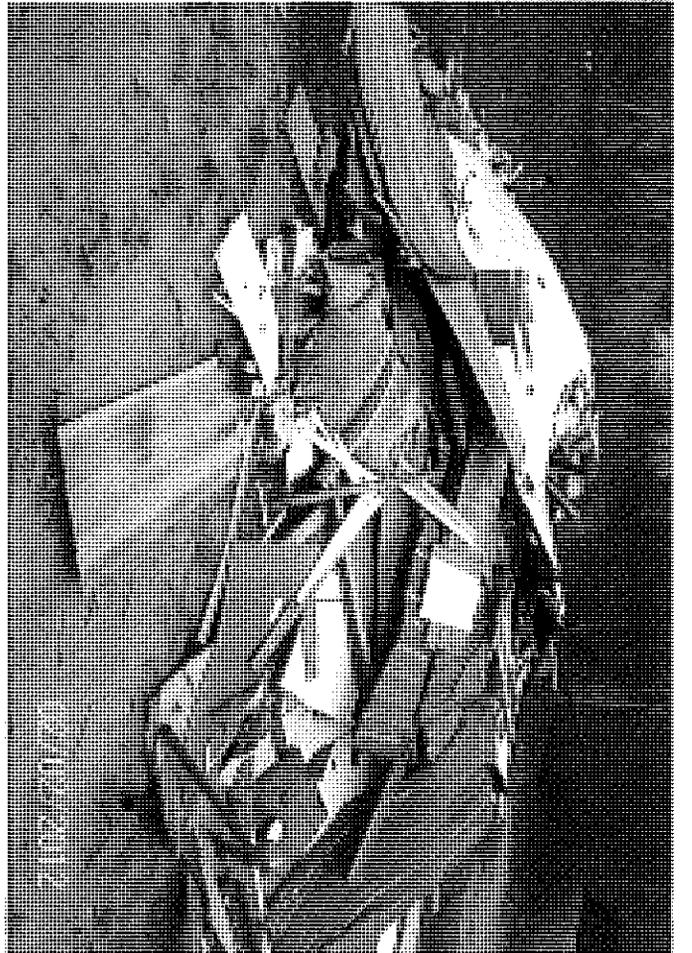
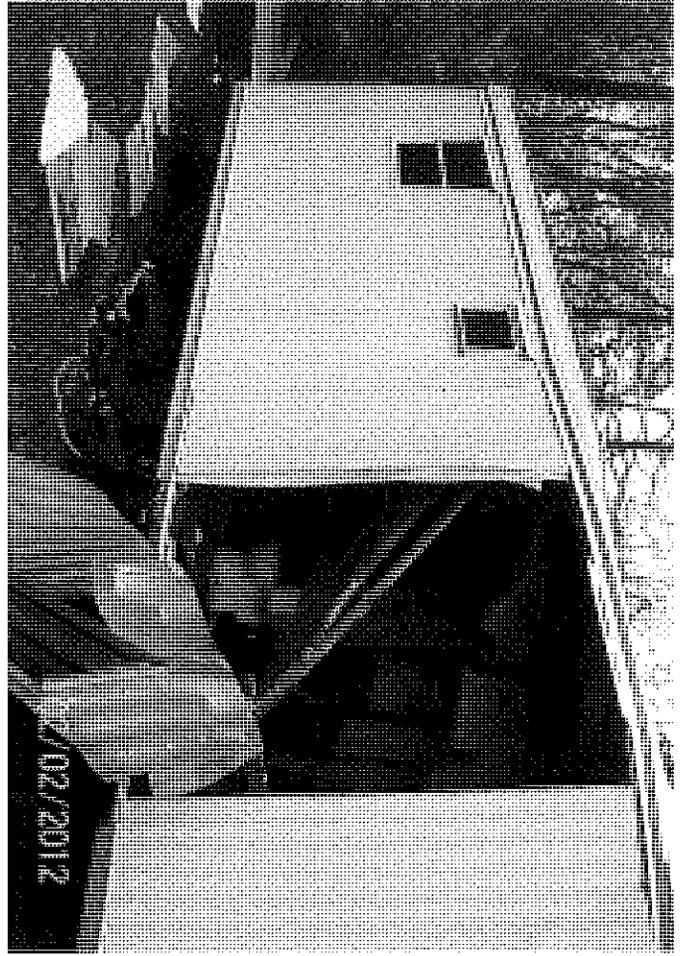
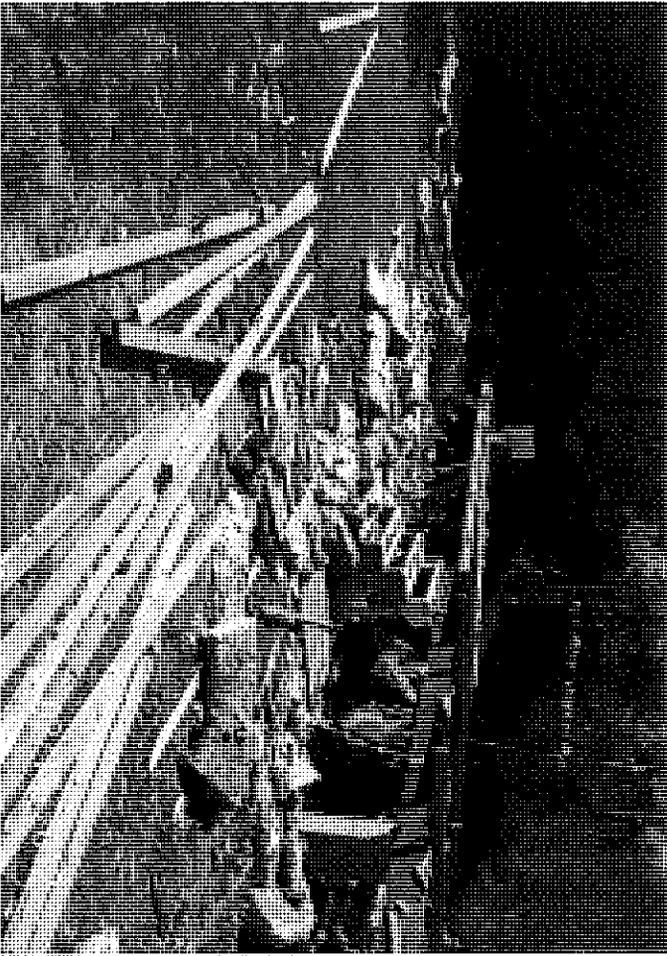
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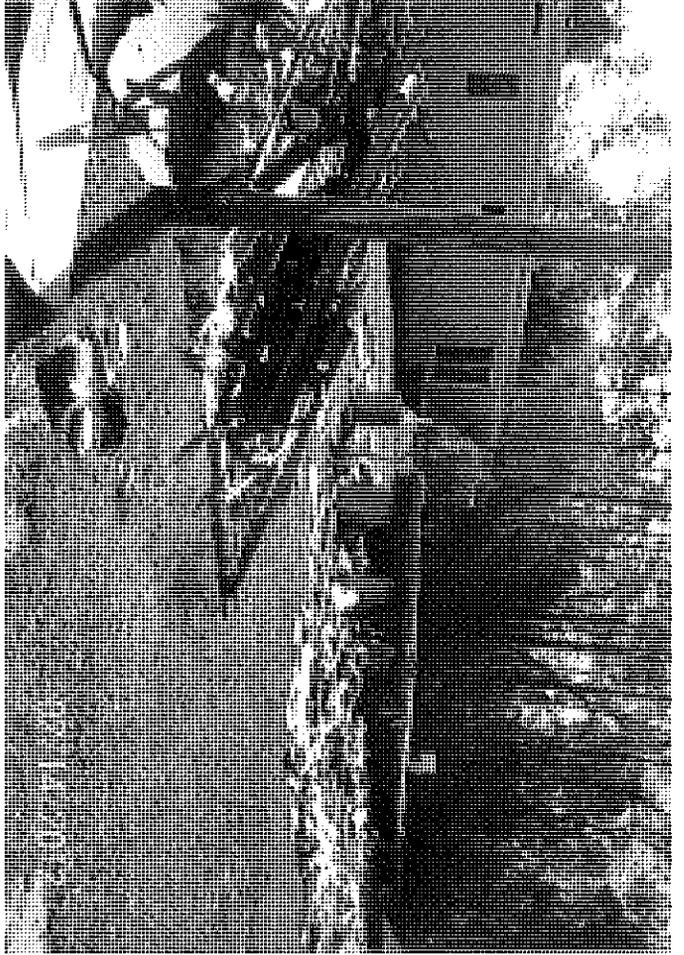
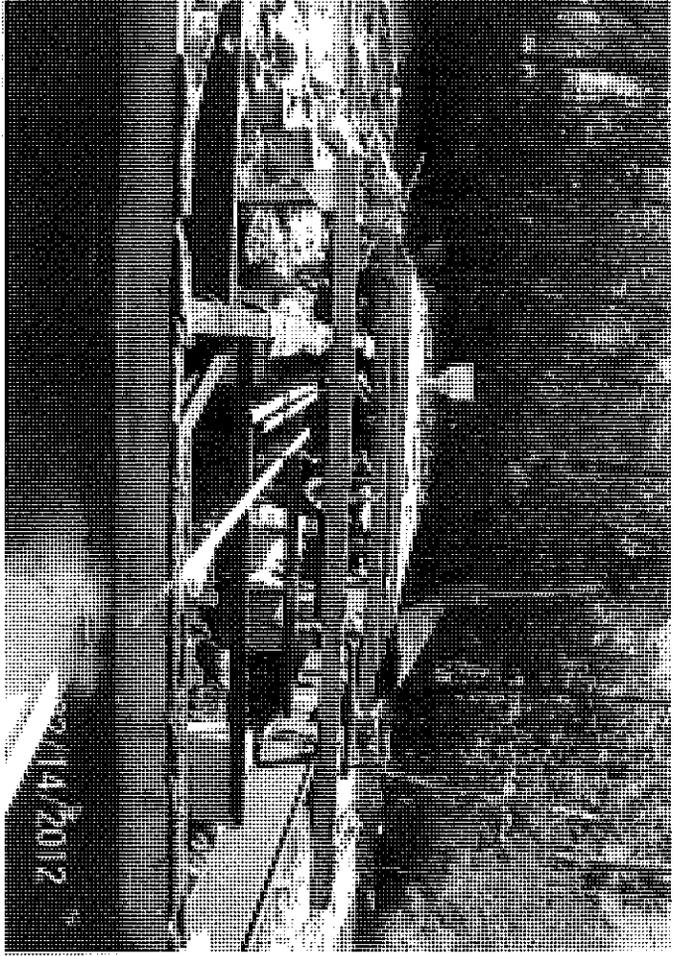
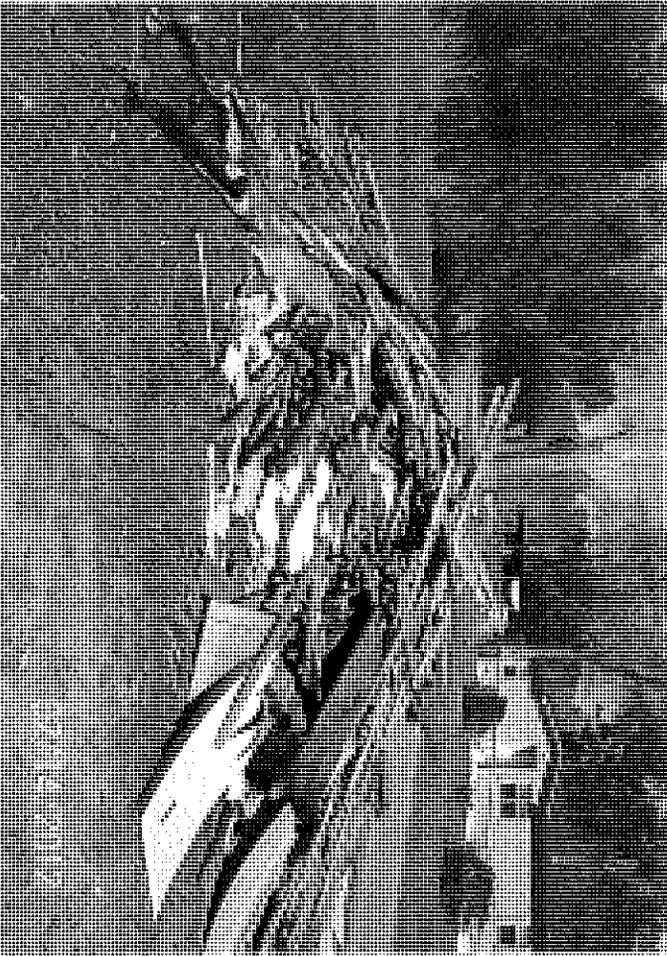
Clear Info



City of Gautier, MS







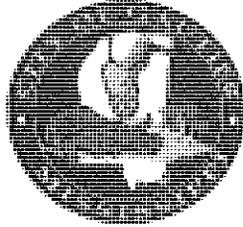
Mayor
Tommy Fontenlevy

City of Gautier
Gautier, Mississippi

City Manager
Samantha D. Abell

City Clerk
Wendy S. McClain

Council
At Large Mary F. Martin
Ward 1 Johnny Jones
Ward 2 Hurley Ray Guillotte
Ward 3 Gordon F. Gollott
Ward 4 Scott D. Macfarland
Ward 5 Adam D. Colledge



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

February 21, 2012

Nelida Alvarez
8525 Spring Avenue
Ocean Springs, Mississippi 39564

COPY

Mailed 2-22-12
JB

Reference: 7801 Narcissus Drive Gautier, Mississippi 39553

Ms. Alvarez,

This letter is to inform you the City of Gautier; Planning and Economic Development Department will recommend to the governing authority the property at 7801 Narcissus Drive Gautier, Mississippi is a menace to the public health, safety, and welfare of the community. Code Enforcement will request the mayor and city council review the file on this property during a scheduled March 2012 meeting, and set a public hearing for March/April 2012, to determine if the property meets the requirements outlined in Mississippi Code Annotated 1972 § Title 21, Chapter 19, Section 11 to begin the necessary clean-up of this property.

If you have any questions you can contact the City of Gautier, Code Enforcement Office, Monday – Thursday, 8:00 AM - 5:00 PM at (228) 497-8802/1878 or my cell number (228) 219-7035.

Sincerely,

Joseph Belles
Code Enforcement Officer

cc: File

Mayor
Tommy Fontenberry

City of Gautier
Gautier, Mississippi

Interim City Manager
Robert G. Ramsay

City Clerk
Wendy S. McClain

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 Mavy F. Martin
Ward 1 Johnny Jones
Ward 2 Hivley Ray Guillotte
Ward 3 Gordon T. Gollott
Ward 4 Scott D. Macfarland
Ward 5 Adam D. Colledge



January 24, 2012

Nelida Alvarez
8525 Spring Avenue
Ocean Springs, Mississippi 39564

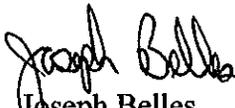
Reference: 7801 Narcissus Drive Gautier, Mississippi 39553

Ms. Alvarez,

We discussed the options available on/about January 5, 2012, concerning the repair, removal or demolition of the manufactured home at the above referenced property address. Code enforcement has not heard from you concerning your decision. There is a pile of debris outside the manufactured home and placed near the city street. Code enforcement informed you during our previous discussion you must have a demolition permit and a commercial trash container for the debris. The City of Gautier will not pick up or remove the debris from your manufactured home demolition. You must immediately stop placing the debris from this manufactured home on the property or near the street unless you have a commercial trash container and demolition permit.

Code enforcement will issue a summons to appear in municipal court if you do not immediately correct the code violation and comply with the City's property code ordinance. If you have any questions you can contact the City of Gautier, Code Enforcement Office, Monday – Thursday, 8:00 AM - 5:00 PM at (228) 497-8802/1878 or my cell number (228) 219-7035. Code enforcement would gratefully appreciate your cooperation in this matter.

Sincerely,


Joseph Belles
Code Enforcement Officer

COPY

mailed 1-25-12
JB

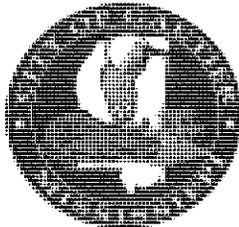
Mayor
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Website: www.gautier-ms.gov

December 21, 2011

Nelida Alvarez
8525 Spring Avenue
Ocean Springs, Mississippi 39564

COPY
mailed 12-22-11
JB

Reference: 7801 Narcissus Drive Gautier, Mississippi 39553

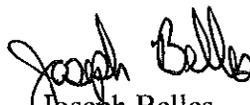
Ms. Alvarez,

This final letter is to inform you the City of Gautier; Planning and Economic Development Department will refer the code violations to our municipal court or recommend to the governing authority the property at 7801 Narcissus Drive Gautier, Mississippi is a menace to the public health, safety, and welfare of the community. The property code violations identified in two previous letters have not been corrected nor have you contacted the code enforcement department.

Code enforcement will issue a summons to appear in municipal court or will request the mayor and city council review the property file during a scheduled January 2012 council meeting. The mayor and Council may set a public hearing in February 2012 to determine if the property meets the requirements outlined in Mississippi Code Annotated 1972 § Title 21, Chapter 19, Section 11 to begin the necessary removal of the non-conforming manufactured home from the city.

If you have any questions you can contact the City of Gautier, Code Enforcement Office, Monday – Thursday, 8:00 AM - 5:00 PM at (228) 497-8802/1878 or my cell number (228) 219-7035. We gratefully appreciated your cooperation in this matter.

Sincerely,


Joseph Belles
Code Enforcement Officer

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Tommy Fontenberry

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Gautier, Mississippi

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Website: www.gautier-ms.gov

October 19, 2011

Nelida Alvarez
8525 Spring Avenue
Ocean Springs, Mississippi 39564

COPY
mailed 10-20-11
JB.

Reference: 7801 Narcissus Drive Gautier, Mississippi 39553

Ms. Alvarez,

This property referenced above remains in violation of the City of Gautier, minimum property maintenance and appearance standards. You have thirty days to bring this mobile home into compliance with existing mobile home standards or remove the mobile home from within the City of Gautier. The mobile home needs approved skirting, 4' x 6' decks at all entrances, painting and hard surface parking for two vehicles. You need to contact the Planning Department for an inspection and complete list of all requirements. The City of Gautier, Unified Development Ordinance, Article XVI, Section 16.1 Minimum Property Maintenance and Appearance Standards states:

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.

Code Enforcement Department is requesting your cooperation in repairing/removing this mobile home in disrepair by November 18, 2011. A summons to appear in court will be issued on/about November 18, 2011 regarding this matter. You can contact the City of Gautier, Code Enforcement Office, Monday - Friday, 8:00 AM - 5:00 PM at (228) 497-8802, if you have any questions. We gratefully appreciated your cooperation in this matter.

Sincerely,

Joseph Belles
Code Enforcement Officer

Mayor
Tommy Fortenberry

City of Gautier
Gautier, Mississippi

City Manager
Sidney M. Runnels

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City Clerk
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Website: www.gautier-ms.gov

September 20, 2011

Nelida Alvarez
8525 Spring Avenue
Ocean Springs, Mississippi 39564

COPY
mailed 9-21-11
JB

Reference: 7801 Narcissus Drive Gautier, Mississippi 39553

Ms. Alvarez,

This property referenced above remains in violation of the City of Gautier, minimum property maintenance and appearance standards. You have thirty days to bring this mobile home into compliance with existing mobile home standards or remove the mobile home from within the City of Gautier. The mobile home needs skirting, 4' x 6' decks at all entrances, painting and hard surface parking for two vehicles. Additionally, the mobile home front door is not secure. You need to contact the Planning Department for an inspection and complete list of all requirements. The City of Gautier, Unified Development Ordinance, Article XVI, Section 16.1 Minimum Property Maintenance and Appearance Standards states:

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.

Code Enforcement Department is requesting your cooperation in repairing/removing this mobile home in disrepair by October 20, 2011. This letter will be the final notice of violation before the property violations are referred to our municipal court. Failure to comply with city regulations pursuant to Article XVI, Section 16.1, is punishable by fines as imposed by the municipal judge, with each day constituting a new and separate offense. Please contact the City of Gautier, Code Enforcement Office, Monday – Thursday, 8:00 AM - 5:00 PM at (228) 497-8802/1878. I will be happy to assist you with any questions that you may have.

Sincerely,

Joseph Belles
Code Enforcement Officer