

**MEMORANDUM**

**DATE:** August 31, 2012  
**TO:** Samantha D. Abell, City Manager  
**THRU:** Eric Meyer, Planning and Economic Development Director  
Patty Huffman, Grants and Projects Manager  
**FROM:** Joseph E. Belles, Code Enforcement Officer *JB*  
**SUBJECT:** Abatement of Substandard Property Conditions, 7213 River Music Gautier,  
Mississippi 39553

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**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 October 16, 2012, to receive public comment regarding the abatement of the subject property.

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

**Legal Description:** PIDN 87116078.000  
Lots 111 SINGING RIVER LAND SUBDIVISION  
Deed Book 1630, page 711

**Property Address:** 7213 River Music

**Owners of Record:** Patsy Evelyn Robinson  
**Last Known Address:** 7213 River Music  
Gautier, Mississippi 39553

**BACKGROUND:**

Code enforcement had an initial conversation with a law enforcement officer who was concerned with the dilapidated manufactured home the property owner was residing in after he responded to a call where the owner had fallen through the decayed flooring of the home breaking her leg. Code enforcement substantiated visible exterior damage to the structure and other property code violations and a case file was opened against the property in June 2011. Written correspondence to the owner cited the overgrown property violations, decks and stairs that were decayed/unsafe and code enforcement encouraged the owner to allow the City's, Building and Zoning Administrator or a licensed contractor inspect the manufactured home and repair the structure as necessary, The owner failed to make the necessary repairs in a timely matter, mainly due to financial limitations and the case was referred to municipal court. The municipal court judge instead of assessing any fines directed the owner to allow a thorough inspection by the City's,

Building and Zoning Administrator of the repairs recently made by a neighbor. The City's, Building and Zoning Administrator's subsequent inspection of the structure found the structure was not suitable for human occupancy and provided code enforcement and the municipal judge a letter with his findings.

The owner vacated the property as directed by the municipal judge and relocated with family in the Memphis, TN area. A neighbor began the demolition of the manufactured home but as the neighbor neared completion of the demolition he became ill and work stopped leaving just the vacant lot with miscellaneous wood, concrete blocks, etc. on the property.

Property owners in the vicinity are disturbed with the visible appearance of this vacant property. And have a concern for the health, safety and welfare of the neighborhood. Additionally, the City manager has directed code enforcement to pursue the clean up of properties to the fullest extent possible within the scope of our city ordinances and the city's financial ability. Code enforcement informed the owner by letter on August 30, 2012, the property would be recommended for an abatement hearing if not in compliance by September 18, 2012.

**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 uncleanness 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.

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### **RECOMMENDATION:**

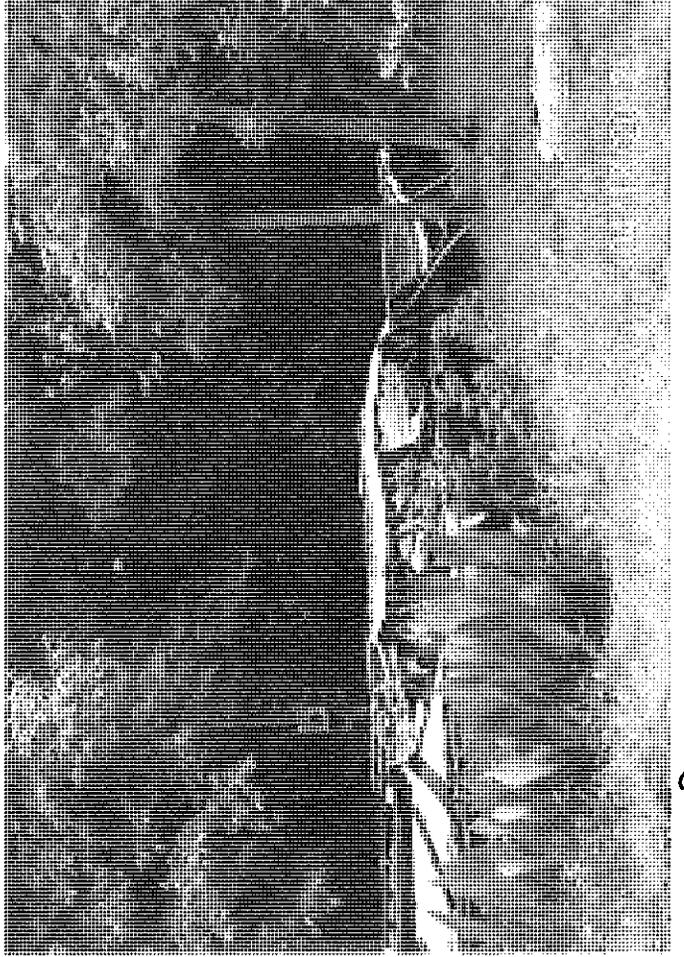
Staff recommends City Council hold a public hearing on October 16, 2012, in order to determine the property a menace to the public health, safety and welfare of the community and direct Staff to commence with abatement / clean-up of the property.



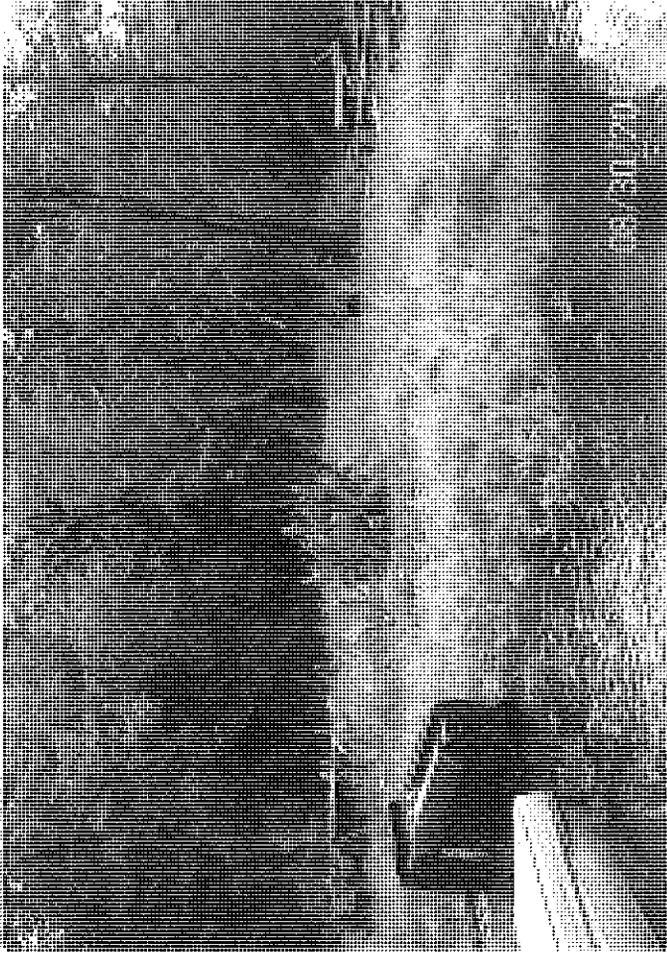




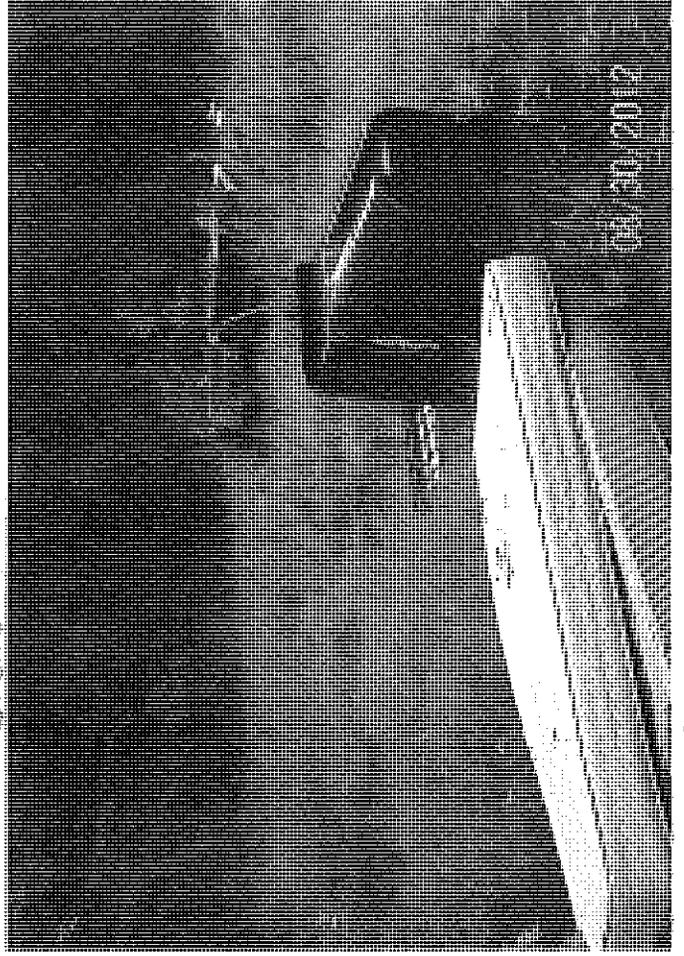
TRASH PILE



DEMO IN PROGRESS



DEBRIS REMAINING



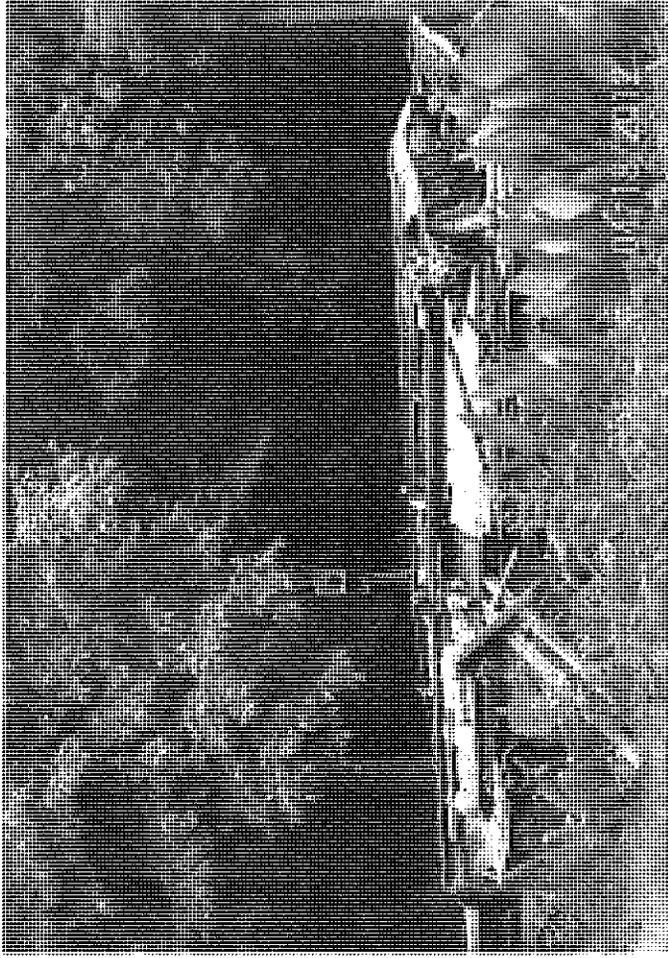
DEBRIS REMAINING



DECAYING WOOD



ELECTRICAL WIRING CHAFFING IN WINDOW FRAMES



DEMO IN PROGRESS



FLOORING UNDER MANUFACTURED HOME

Mayor  
Tommy Fontenbevy

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](mailto:gautier@gautier-ms.gov)  
Website: [www.gautier-ms.gov](http://www.gautier-ms.gov)

August 30, 2012

Patsy E. Robinson  
7213 River Music  
Gautier, Mississippi 39553

COPY

Mailed 8-30-12  
JB

Reference: 7213 River Music Drive Gautier, Mississippi 39553

Ms. Robinson,

This letter is to inform you the City of Gautier; Planning and Economic Development Department will recommend to the governing authority the property at 7213 River Music 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 history of the code violations on this property during a scheduled council meeting, September 18, 2012. If the mayor and council determine the property meets the criteria for abatement they will set a public hearing for a scheduled council meeting, October 16, 2012. The purpose of the hearing is to listen to testimony and 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.

Code enforcement is requesting the property be in compliance by September 18, 2012. 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 or my cell number (228) 219-7035.

Sincerely,

A handwritten signature in cursive script that reads "Joseph Belles".

Joseph Belles  
Code Enforcement Officer

*Mayor*  
*Tommy Fortenberry*

*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](mailto:gautier@gautier-ms.gov)*  
*Website: [www.gautier-ms.gov](http://www.gautier-ms.gov)*

*Council*  
*At Large Mary F. Martin*  
*Ward 1 Johnny Jones*  
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*Ward 4 Scott D. Macfarland*  
*Ward 5 Adam D. Colledge*



January 17, 2012

RE: Inspection performed at 7213 River Music Dr.

Upon inspection of the above referenced address the following violations were found:

Outside sills underneath exterior walls are exposed and rotten, in many places completely deteriorated. Exterior doors are rotted and do not close or seal properly.

Sub-floor is rotten and deteriorated throughout mobile home; you can see the ground underneath the mobile home in numerous places from inside.

The water heater has fallen through the floor and is currently sitting on the ground underneath. It is evident the roof has been leaking for a long period of time; paneling and studs behind paneling are rotted in many places throughout.

Wiring in many areas is exposed, bare romex running between siding and window frame without any protection from being cut, oversized breakers and under sizes wiring in several areas, wiring coming from service panel not in conduit, laying on top of ground unprotected. Range hood is missing.

Open sewer pipes inside mobile home therefore sewer gas is backing up inside. There was only one space heater inside mobile home; this will not maintain 68° F as required by building code.

House smells of mold and mildew.

In my professional opinion this house is a health and safety risk and not suitable for human occupancy.

Zack Duke  
City of Gautier  
Building and Zoning Administrator

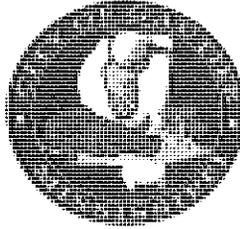
Mayor  
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Sidney M. Runnels

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Website: [www.gautier-ms.gov](http://www.gautier-ms.gov)

August 24, 2011

Patsy E. Robinson  
7213 River Music  
Gautier, Mississippi 39553

COPY

mailed 8-24-11  
JB

Reference: 7213 River Music Drive Gautier, Mississippi 39553

Ms. Robinson,

Two previous letters and a code violation notice have identified property maintenance violations at the property referenced above. Code Enforcement Office requested you either make the necessary repairs or remove the mobile home from the city limits. Nothing has been done to repair the mobile home since the violations were identified on/about June 20, 2011.

You are hereby summoned to appear in City of Gautier, Municipal Court on September 19, 2011, at 1:30 PM. You can contact the City of Gautier, Court Clerk, Monday – Friday, 8:00 AM - 5:00 PM at (228) 497-8004, if you have any questions.

Sincerely,

Joseph Belles  
Code Enforcement Officer

Mayor  
Tommy Fortenberry

City of Gautier  
Gautier, Mississippi

City Manager  
Sidney M. Runnels

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August 4, 2011

Patsy E. Robinson  
7213 River Music  
Gautier, Mississippi 39553

COPY  
mailed 8-04-11  
JB

Reference: 7213 River Music Drive Gautier, Mississippi 39553

Ms. Robinson,

The property address referenced above remains in violation of the City of Gautier, zoning ordinances after previously sending you a letter of violation and leaving a violation notice. On August 3, 2011, the property was reviewed for compliance and found not in compliance. This letter will serve as my final notice of violation and you have fourteen days to bring the mobile home into compliance with existing mobile home standards or remove the mobile home from its location. The mobile home is in a state of disrepair and needs to comply with existing building codes. I would suggest you contact the city's building administrator for an inspection of your property and identify all the building code violations. The City of Gautier, Unified Development Ordinance, Article XVI, Section 16.7, Care of Property and Premises States:

It is unlawful for the owner or occupant of all residential and nonresidential structures, or property to utilize the premises of such 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 and property clean and to remove from the premises all such abandoned items as listed below, 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 summons to appear in court will be issued to resolve the violations if not corrected as requested. You may contact the City of Gautier, Code Enforcement Office, Monday – Thursday, 8:00 AM - 5:00 PM at (228) 497-8802/1878, if you have any questions. We gratefully appreciated your cooperation in this matter.

Sincerely,

Joseph Belles  
Code Enforcement Officer

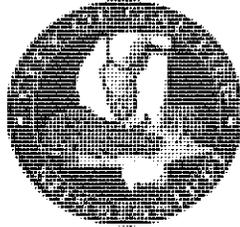
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Website: [www.gautier-ms.gov](http://www.gautier-ms.gov)

June 28, 2011

COPY

Patsy E. Robinson  
7213 River Music  
Gautier, Mississippi 39553

mailed 6-28-11  
JB

Reference: 7213 River Music Drive Gautier, Mississippi 39553

Ms. Robinson,

This property referenced above is in violation of the City of Gautier, minimum property maintenance and appearance standards. This letter will serve as my second notice of violation and you have thirty days to bring the mobile home into compliance with existing mobile home standards or remove the mobile home from its location. The mobile home is in a state of disrepair and needs to comply with existing building codes. I would suggest you contact the city's building administrator for an inspection of your property and identify all the building code violations. You may also choose your own contractor at your own expense to receive an estimate of the work needed to comply with the applicable building codes. 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 July 29, 2011. 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. You may 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