MEMORANDUM

DATE: October 2, 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

SUBJECT: Abatement of Substandard Property Conditions, 5501 Roxanne Street 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 November 6, 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:

Legal Description: PIDN 85260001.000
Lots 1, 2 & 3 DRIFTWOOD PARK SUBDIVISION
Deed Book 1648, page 36

Property Address: 5501 Roxanne Street (Old Mailing Address)

Owners of Record: Anthony D. & Patricia G. Mattina
Last Known Address: 3112 Chatham Road
D'Iberville, Mississippi 39540

BACKGROUND:

A written complaint was received and requested code enforcement address property code maintenance violations; scattered trash, debris and overgrown property. Code enforcement verified the violations and established a code violation file against the property in December 2008. The minor code violations were repeatedly addressed to the joint owners by letters of violation between December 2008 and February 2009. By late April 2009, the code violations were corrected and the case was closed. When the new Planning Director had code enforcement begin addressing dilapidated structures within the city limits, code enforcement reopened the case in February 2012, with another letter of violation mailed to the current property owners as reflected on the Jackson County Parcel Information and Tax Data. Code enforcement identified

the two vacant structures and requested the owners bring the structures into compliance with existing building code standards or remove the structures from their location. Code enforcement also identified the structures were vacant more than sixty days and would need to comply with the current Unified Development Ordinance (UDO). When any structures within the city are vacant for any reason more than sixty days, they lose their pre-existing non-conforming status and must comply with the current UDO requirements.

Code enforcement sent a second letter to the owners in July 2012, and advised the owners code enforcement had observed recent work to repair or demolish the structures but could not find a building permit to either make repairs or demolish the structures. Code enforcement again requested the structures come into compliance by August 3, 2012, and suggested either repairing the structure to building code requirements or removing the structures from their present location. The owners scheduled to meet and discuss the options available with the building official and floodplain manager at the property location. At the prearranged meeting, the owner was unable to attend and sent a person to represent him. The building official and floodplain manager advised the representative what the available options were to repair one or both of the remaining structures located on the property.

Code enforcement was later contacted by a Legal Administrator (Ben Tremonte) from the law office of Tom Payne, Biloxi, Mississippi. Subsequently code enforcement received two letters September 11, 2012, and September 19, 2012, from the owner's attorney Mr. Tom Payne. Code enforcement discussed the two letters received with the department director and with advice from the city attorney; a letter addressing the questions from the owner's attorney was mailed to the owner's attorney on September 28, 2012.

The 1920 built wooden structure and cinder block building at 5501 Roxanne Street (St Ann Lots 1, 2, and 3) remain in a serious state of disrepair and no authorized repairs have been accomplished since the code violation case was opened in December 2008. The property is now subject to the 2009 Digital Flood Insurance Rate Maps (DFIRM), which increased the required elevation for this property on this parcel of land.

The property has continued to fall into a state of disrepair and the owners have not repaired the property as requested to the International Building Code Standards. Code enforcement has corresponded with the owner(s) at least six times and has received two written letters from the owner's attorney. The owner requested to discuss the two dilapidated structures with the Mayor and Council.

Other property owners in the vicinity remain concerned with the visible appearance of this dilapidated, unsecured structures, and overgrown property conditions. Code enforcement informed the owner's attorney by letter dated, September 27, 2012, the property would be recommended for an abatement hearing with a requested date November 6, 2012.

APPLICABLE LAW:

Mississippi Code of 1972, Section 21-19-11, provides procedures to municipalities to clean private property determined to be a menace to those in the municipal community 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 November 6, 2012, in order to determine if the property is a menace to the public health, safety and welfare of citizens and listen to the property owners request to repair the structures, as they have deemed appropriate.

Parcel Information

PIDN: 85260001.000

GISP: 764.19-02-0135.00M

Owner Information

Name: MATTINA ANTHONY D SR &

Percent of Ownership: 100

Name2: PATRICIA G

Mailing Address: 3112 CHATHAM RD
D IBERVILLE MS 39540

Physical Address: ST ANN ST GAUTIER

Land Information

Section, Township, Range: 07 7S 6W

Acreage: .00

Street Name: ST ANN ST

Value and Tax Information

Total Assessed Value: 4857

Total Appraised Value: 32380

Improvement Value: 2560

Land Value: 29820

Tax Amount: 640

SQ. FT: 0

Year Built: 1920

Legal Description

Description: LOTS 1;2;3;56 DRIFTWOOD PARK S/D DB 1396-309 DB 1396-311 DB 1396-313 (135M MAP764.19-02) DB 1589-125 DB 1648-36

Deed Book / Page: 1648 / 36

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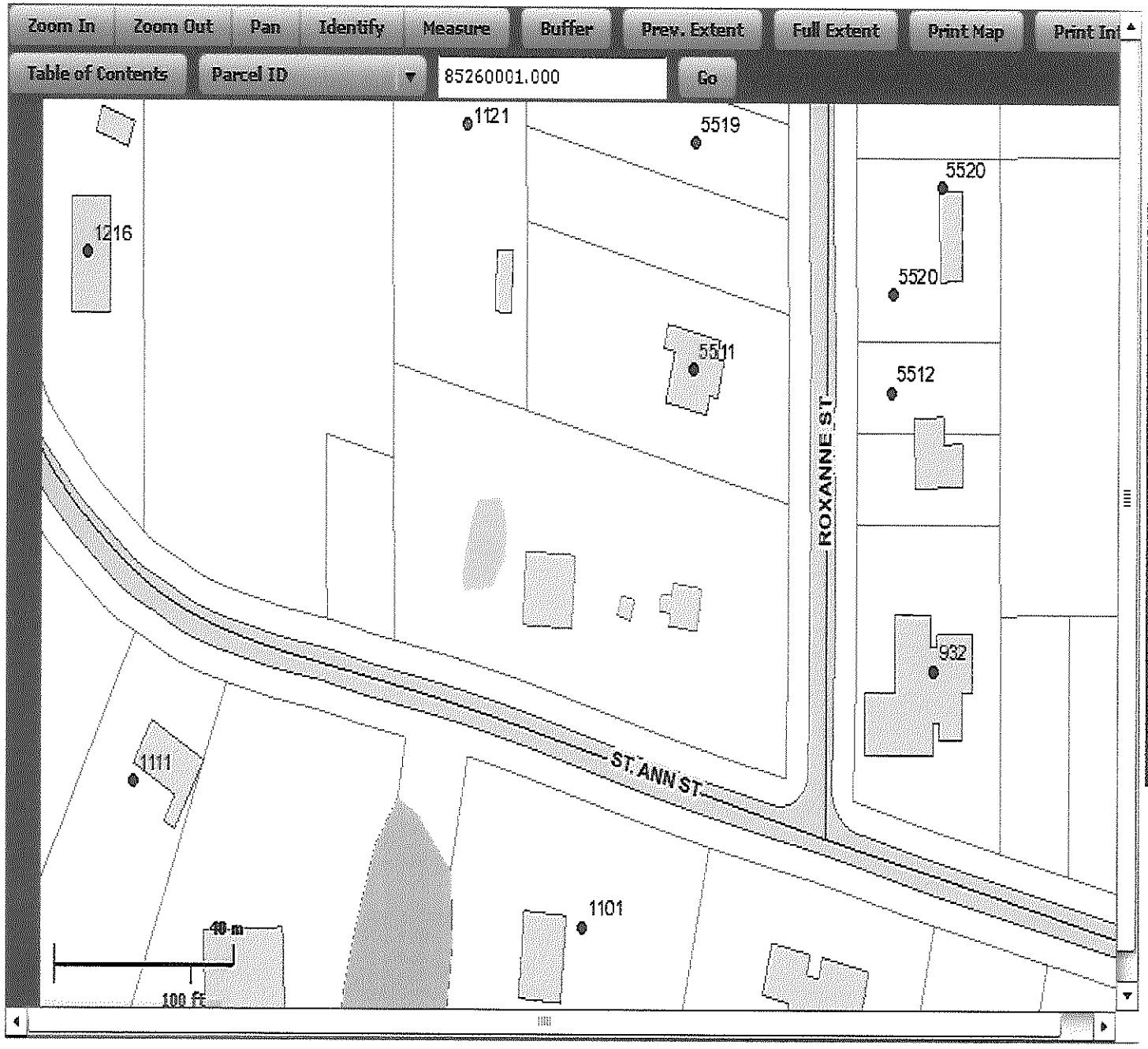


User Guide

Parcel ID: 85260001.000
Owner Name 1: MATTINA ANTHONY D SR &
Owner Name 2: PATRICIA G
Owner Address: 3112 CHATHAM RD
Owner City: D IBERVILLE MS
Owner ZIP: 39540
Parcel Location: ST ANN ST GAUTIER
Zoning Code: R-1
Legal Description 1: LOTS 1;2;3;56 DRIFTWOOD PARK
Legal Description 2: S/D DB 1396-309 DB 1396-311
Legal Description 3: DB 1396-313 (135M

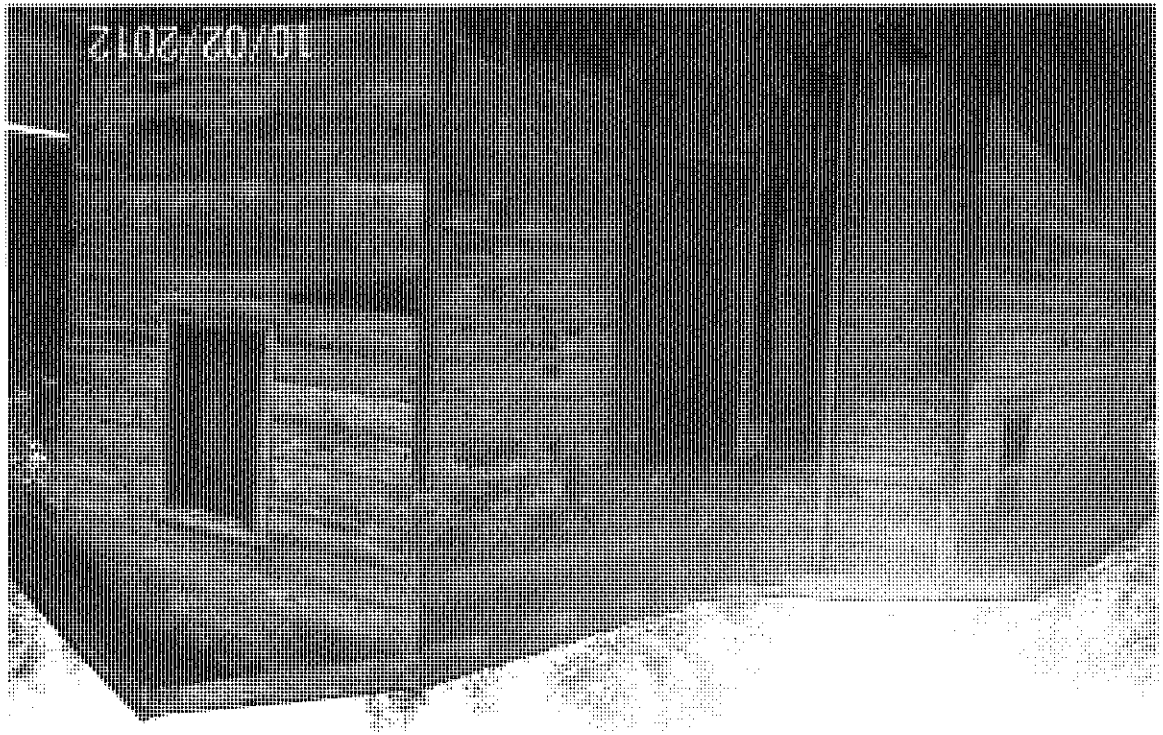
Clear Info

City of Gautier, MS

developed by: GCTGIS.COM

21.02.2001

21.02.2001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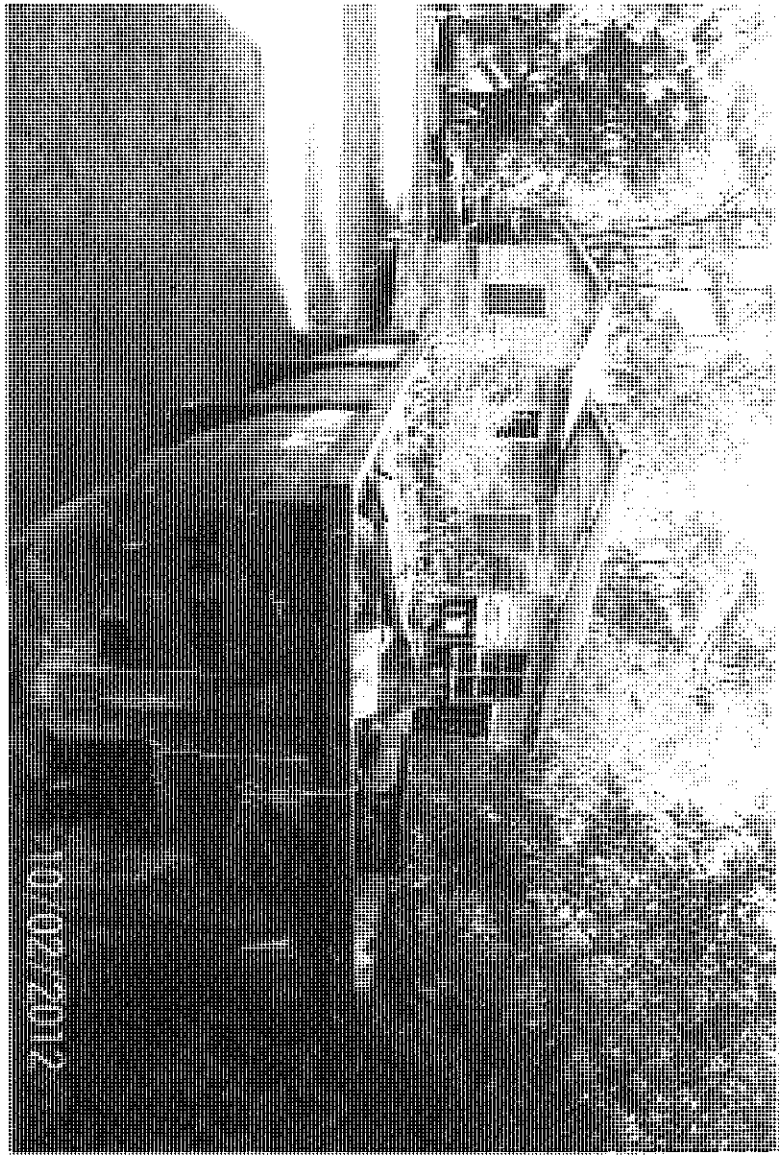
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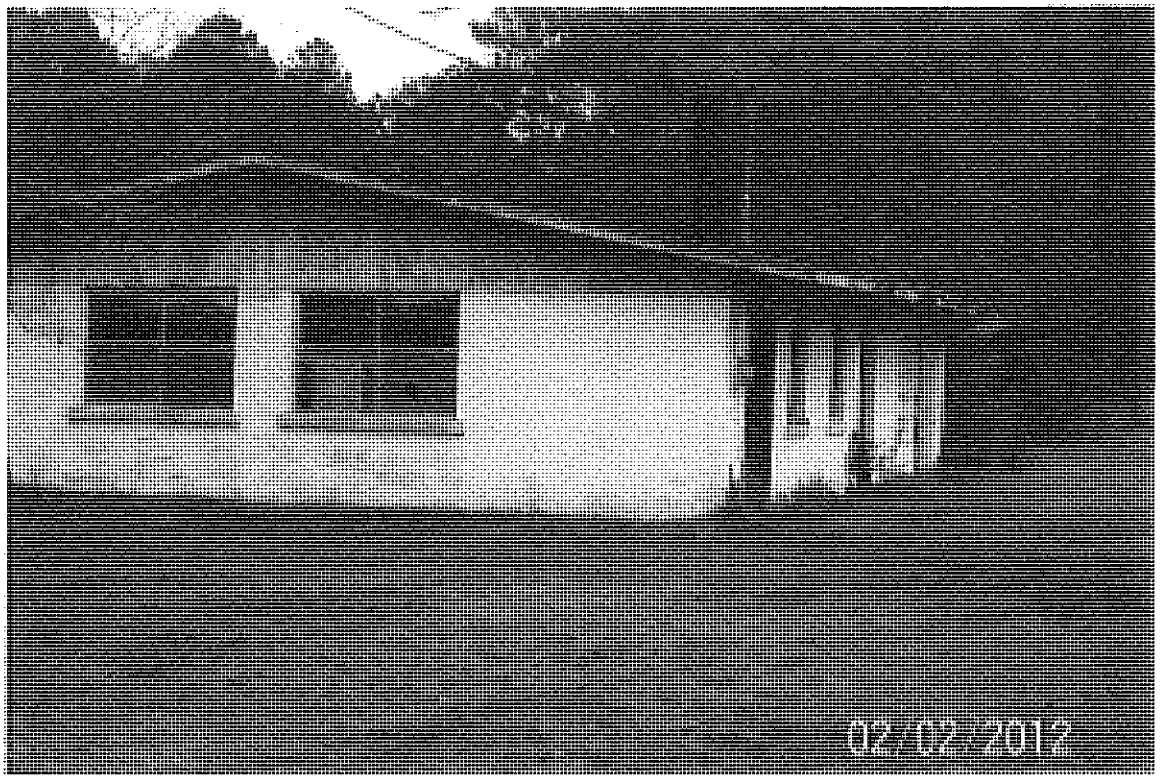
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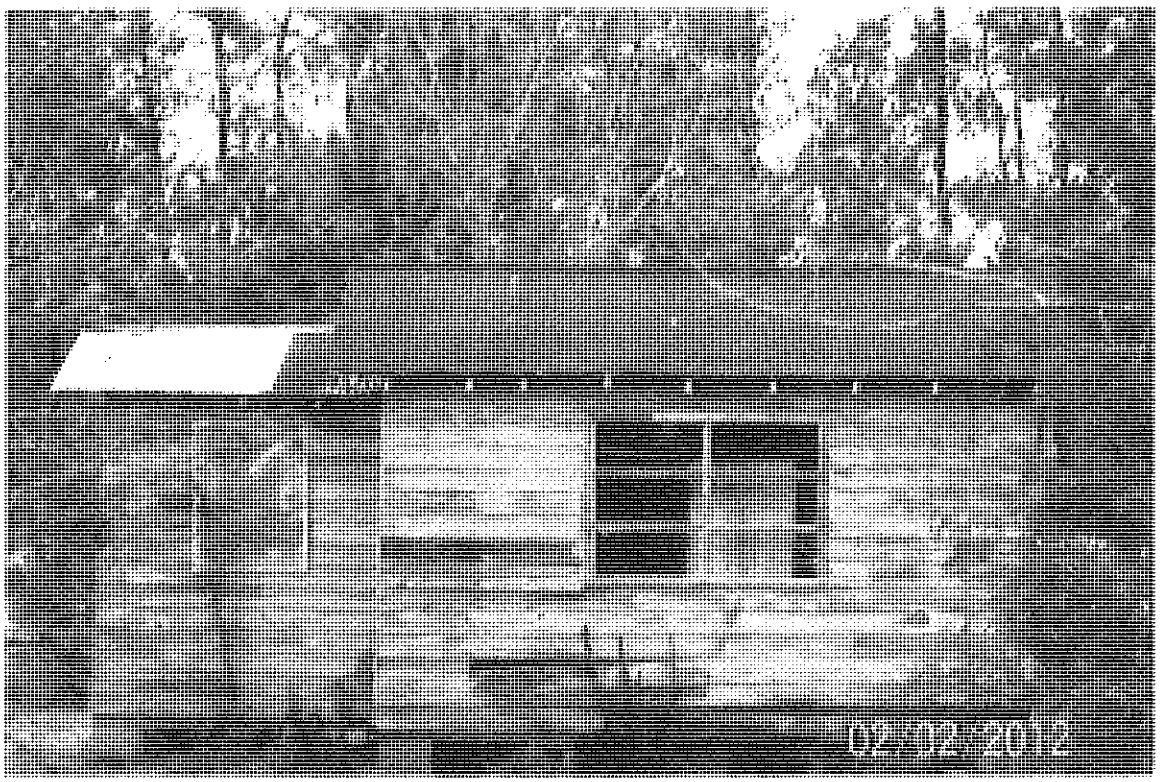
02/02/2012

Mayor
Tommy Fortenberry

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

City of Gautier

Gautier, Mississippi

City Manager
Samantha D. Abell

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

COPY
mailed SEP 28, 2012
JB

September 27, 2012

Thomas E. Payne
Attorney At Law
280 Rue Petit Bois
Biloxi, Mississippi 39535

Reference: St Ann Street Lots 1, 2, 3 Gautier, Mississippi 39553 (Mr. Mattina)

Mr. Payne:

Code Enforcement is in receipt of both of your previous letters concerning your client and the property referenced above. Our city attorney was out of town and our department needed to discuss this case with him prior to sending you this correspondence.

Your client may address the City of Gautier, Mayor and City Council Members at either the first or the third Tuesday of the month at a scheduled council meeting. Council meetings are held at 3330 Highway 90, Gautier, Mississippi at 6:30 PM. At the end of each meeting, citizens are provided a short time to address the Mayor and Council on any subject.

In addition, code enforcement was directed to initiate a recommendation to clean this private property as allowed by Mississippi Code 21-19-11. Code enforcement will have the recommendation presented to council on October 16, 2012, with a recommendation to set a public hearing date. Mr. Mattina could address the Mayor and Council regarding any item on the agenda at the beginning of this meeting. The recommendation of staff to set a public hearing date will be addressed during the Consent Agenda portion of the meeting. Consent agenda items are normally voted on in one motion but are sometimes addressed as separate items as requested by the Mayor or Council Members. If the Mayor and Council approve the public hearing recommendation, Mr. Mattina could address council at that scheduled public hearing meeting.

Our department would like you to know we are only following the 2006 International Building Codes and the 2009 Digital Flood Insurance Rate Maps as our directives for making decisions on this property. You may contact the City of Gautier, Code Enforcement Office, Monday – Thursday, 8:00 AM - 5:00 PM at (228) 497-8802. Code enforcement will be happy to assist you with any questions that you may have.

Sincerely,

Joseph Belles

Joseph Belles
Code Enforcement Officer

Enclosure: Floodplain Administer Letter

Mayor
Tommy Fortenberry

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

City of Gautier
Gautier, Mississippi

City Manager
Samantha D. Abell

Interim City Clerk
Teresa L. Montgomery

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

September 28, 2012

Mr. Anthony Mattina
3112 Chatham Road
D'Iberville, MS 39540

Reference: 5501 Roxanne Street Gautier MS 39553 (PIDN 85260001.000)

Dear Mr. Mattina:

The structures located at 5501 Roxanne Street (Lots 1,2,3) are currently located in a **AE 12 / AE 11** Special Flood Hazard Area according to FIRM map panel number 28059C0317 G, dated March 16, 2009. The main structure is located in the AE 11 and the block building being in AE 12

This letter is to inform you as to the requirements you need to follow to be able to repair and utilize the block building for use as a storage/accessory building or a garage only.

- There needs to be a main structure twice the square footage of the block building on the property and elevated to the proper elevation requirements.
- Repair the existing main structure to meet all building codes and square footage plus required elevation.
- The block building would need to meet all building codes and flood codes if either of the above requirements is met.
- Have engineered plans for the block building to meet all building and flood codes.

Other wise both structures on the property need to be elevated, moved out of the flood zone or demolished.

You can come to the office and meet with either or both the building official and Floodplain Administer. Both are available and we would be glad to help you any way we can. Please feel free to call if you have any questions: 1-228-497-8485.

Thank you,

Michael Atkinson, CFM
GIS Analyst / Floodplain Administrator
City of Gautier

TOM PAYNE

ATTORNEY AT LAW

September 19, 2012

Joseph Belles
Code Enforcement Officer
City of Gautier
3330 Highway 90
Gautier, Mississippi 39553

Re: St. Anne Street Lots 1, 2 and 3

Mr. Belles:

As you know, Tom Payne, Attorney at Law represents Mr. Anthony Mattina concerning his property on St. Anne Street as referenced in your February 2 letter. You were kind enough to discuss this matter with my Legal Administrator Ben Tremonte, so you understand Mr. Mattina's concerns with your office's findings about his property.

This letter is to advise you Mr. Mattina formally requests he, his property and this matter be placed on the City Council's docket for their next available meeting to present this matter to the Council for its consideration. Please confirm by correspondence to my office your response and for what meeting we are on the City Council's docket.

Thank you for your time and consideration. We look forward to hearing from you soon.

Sincerely,

TOM PAYNE, ATTORNEY AT LAW

Tom Payne

Thomas E. Payne w/ permission TB

TEP/vbt
cc: Anthony Mattina

280 Rue Petit Bois, Biloxi, Mississippi 39535 – 228.388.0007 (phone) – 228.388.3177 (fax) – ben.lawtpa@gmail.com

TOM PAYNE

ATTORNEY AT LAW

September 11, 2012

Joseph Belles
Code Enforcement Officer
City of Gautier
3330 Highway 90
Gautier, Mississippi 39553

Re: St. Anne Street Lots 1, 2 and 3

Mr. Belles:

As you know, Tom Payne, Attorney at Law represents Mr. Anthony Mattina concerning his property on St. Anne Street as referenced in your February 2 letter. A copy of your letter is enclosed. You were kind enough to discuss this matter with my Legal Administrator Ben Tremonte, so you understand Mr. Mattina's concerns with your office's findings about his property.

This letter is to advise you Mr. Mattina formally requests he, his property and this matter be placed on the City Council's docket for their next available meeting to present this matter to the Council for its consideration. Please confirm by correspondence to my office your response and for what meeting we are on the City Council's docket.

Thank you for your time and consideration. We look forward to hearing from you soon.

Sincerely,

TOM PAYNE, ATTORNEY AT LAW

Thomas E. Payne

TEP/vbt
Enclosure
cc: Anthony Mattina

280 Rue Petit Bois, Biloxi, Mississippi 39535 – 228.388.0007 (phone) – 228.388.3177 (fax) – ben.lawtpa@gmail.com

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Tommy Fortenberry

Council
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Ward 1 Johnny Jones
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Ward 3 Gordon T. Gollott
Ward 4 Scott D. Macfarland
Ward 5 Adam D. Colledge

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Email: gautier@gautier-ms.gov
Website: www.gautier-ms.gov

COPY

mailed 7-03-12 JB

July 3, 2012

Anthony & Patricia Mattina
3112 Chatham Road
D Iberville, Mississippi 39540

Reference: St Anne Street Lots 1, 2, 3 Gautier, Mississippi 39553 (PIDN 85260001.000)

To Whom It May Concern:

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 two vacant structures into compliance with existing building code standards or remove the structures from their location. Both structures have been empty for several years and must comply with the City's 2010 ordinance. Recent work to either demolish or repair the two structures was observed by code enforcement but there are no permits to either repair or demolish the structures. The City of Gautier, Unified Development Ordinance, Article XIII, Section 13.3.1, Termination of Nonconforming Use states:

> A nonconforming building, structure, dwelling, or land use or portion thereof, existing at the time of adoption of these regulations, which is, or hereafter becomes vacant for any reason, for a period in excess of sixty consecutive days any subsequent use shall conform to the regulations of this ordinance for the district in which it is located.

Code Enforcement Department is requesting your cooperation in repairing/removing these structures in disrepair by August 3, 2012. 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. Code enforcement will be happy to assist you with any questions that you may have.

Sincerely,

Joseph Belles

Joseph Belles
Code Enforcement Officer

Mayor
Tommy Fortenberry

Council
At Large Mary F. Martin
Ward 1 Johnny Jones
Ward 2 Hurley Ray Guillotte
Ward 3 Gordon T. Gollott
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City of Gautier
Gautier, Mississippi

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Email: gautier@gautier-ms.gov
Website: www.gautier-ms.gov

February 2, 2012

COPY
mailed 2-03-12
JB

Anthony & Patricia Mattina
3112 Chatham Road
D Iberville, Mississippi 39540

Reference: St Anne Street Lots 1, 2, 3 Gautier, Mississippi 39553 (PIDN 85260001.000)

To Whom It May Concern:

This property referenced above is in violation of the City of Gautier, minimum property maintenance and appearance standards. This letter will serve as my initial notice of violation and you have thirty days to bring the two vacant structures into compliance with existing building code standards or remove the structures from their location. Both structures have been empty for several years and must comply with the City's 2010 ordinance. 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 these structures in disrepair by March 5, 2012. 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. Code enforcement will be happy to assist you with any questions that you may have.

Sincerely,

Joseph Belles

Joseph Belles
Code Enforcement Officer

Mailed
2-20-09
JB

February 19, 2009

Anthony Mattina
3112 Chatham Road
D'Iberville, Mississippi 39540

Reference: PIDN 85260001.000 St Anne Street Gautier, Mississippi 39553

Mr. Mattina,

I received your brother (Nicholas') phone message on February 13. 2009 and re-inspected the property on February 18, 2009 after the grass was cut. There are still several structures/buildings that are dilapidated, the main home is still not secure and the over-grown vegetation around the property needs to be cut. The individual who cut the grass merely worked on the front of the property and left everything else. I will recheck the property in two weeks and if the violations are not corrected to the City's standards I will refer the case file to our municipal court or precede with the abatement process and clean the property and place a lien on the taxes. The Gautier, Code of Ordinance, Appendix A. Art. III. Section 14.6 Care of premises and property states:

"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, ice box, refrigerator, stove, 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."

You have two weeks to reply to this letter before appropriate action is taken 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. Your cooperation in this matter will be greatly appreciated.

Sincerely,

Joseph Belles

Joseph Belles
Code Enforcement Officer

Cc: File

Mailed
2-19-09
JB

February 19, 2009

Nicholas J. Mattina Sr.
180 Dahlia Street
Biloxi, Mississippi 39531

Reference: PIDN 85260001.000 St Anne Street Gautier, Mississippi 39553

Mr. Mattina,

I received your phone message on February 13. 2009 and re-inspected the property on February 18, 2009 after the grass was cut. There are still several structures/buildings that are dilapidated, the main home is still not secure and the over-grown vegetation around the property needs to be cut. The individual who cut the grass merely worked on the front of the property and left everything else. I will recheck the property in two weeks and if the violations are not corrected to the City's standards I will refer the property to our municipal court or precede the abatement process and clean the property and place a lien on the taxes. The Gautier, Code of Ordinance, Appendix A. Art. III. Section 14.6 Care of premises and property states:

"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, ice box, refrigerator, stove, 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."

You have two weeks to reply to this letter before appropriate action is taken 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. Your cooperation in this matter will be greatly appreciated.

Sincerely,

Joseph Belles

Joseph Belles
Code Enforcement Officer

Cc: File

Mailed
2-10-09
JB

February 9, 2009

Nicholas J. Mattina Sr.
180 Dahlia Street
Biloxi, Mississippi 39531

Reference: PIDN 85260001.000 St Anne Street Gautier, Mississippi 39553

Mr. Mattina,

Two letters have been sent to you requesting you contact the code enforcement office regarding the dilapidated and over grown property you own here in the Gautier community. The property was re-inspected on February 9, 2009 and nothing has been accomplished during the last six weeks toward bringing this property up to the City's code requirements as we have previously discussed. The Gautier, Code of Ordinance, Appendix A. Art. III. Section 14.6 Care of premises and property states:

"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, ice box, refrigerator, stove, 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."

You have one week to reply to this letter before a summons to appear in court will be issued 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. Your cooperation in this matter will be greatly appreciated.

Sincerely,

Joseph Belles
Code Enforcement Officer

Cc: File

mailed
1-21-09
JB

January 20, 2009

Glenn F. Mattina Sr.
180 Dahlia Street
Biloxi, Mississippi 39531

Reference: PIDN 85260001.000 St Anne Street Gautier, Mississippi 39553

Mr. Mattina,

On December 30, 2008 a Code Enforcement Officer for the City of Gautier received a complaint regarding a code of ordinance violation at your Gautier property address referenced above. The vacant home is over grown with grass and weeds and you have 14 days to correct the problem or notify the code enforcement office if you can't meet this suspense. The property was re-inspected today and nothing has been done to correct the violations and there hasn't been any direct contact from you. At this time we would like to discuss the maintenance concerns observed at this location to maintain an amicable appearance with other property owners in this area.

You are requested to contact the City of Gautier, Code Enforcement Office, Monday – Friday, 8:00 AM - 5:00 PM at (228) 497-8802, within 14 days of this letter. I will be happy to assist you with any questions that you may have. Your cooperation in this matter will be greatly appreciated.

Sincerely,

Joseph Belles
Code Enforcement Officer

Cc: File

City of Gautier

COMMUNITY SERVICES DEPARTMENT

P.O. Box 670
3305 Gautier - Vancleave Road
Gautier, MS 39553

Community Services
Anthony Matheny, Director
Phone: (228) 497-1878
Fax: (228) 497-1038

Mailed
12-31-08
JB

December 30, 2008

Glenn F. Mattina Sr.
180 Dahlia Street
Biloxi, Mississippi 39531

Reference: PIDN 85260001.000 St Ann Street Gautier, Mississippi 39553

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