

MEMORANDUM

DATE: December 10, 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, 7728 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 February 5, 2013, 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 85441260.000
Lot 187 HICKORY HILL ESTATE SUBDIVISION
Unit # 10 Deed Book 1479, page 367

Property Address: 7728 NARCISSUS DRIVE

Owners of Record: Evelina Carter
Last Known Address: 7728 Narcissus Drive
Gautier, Mississippi 39553

BACKGROUND:

Code enforcement identified and substantiated visible code violations and contacted the property owner by telephone from a number located on a For Sale sign in the window of this vacant mobile home. Code enforcement notified the owner of existing code violation and the City's current manufactured home requirements in accordance with the Unified Development Ordinance. A letter was also mailed to the property address after the owner informed code enforcement she still picked up mail at this address. A follow up inspection of the property March 7, 2011 reflected the grass was cut but the other code violations were not corrected. Code enforcement mailed a second letter of violation March 7, 2011. Code enforcement received a hand written note written on the first letter mailed to Ms. Carter and post marked March 14, 2011

informing code enforcement she paid to have the grass cut and was moving back into the home on Friday. Another inspection of the property April 28, 2011 found the property again overgrown and still vacant, code enforcement mailed Ms. Carter a final letter of violation. On May 12, 2011, the property remained in violation and a summons to appear in municipal court was mailed with a court date of June 13, 2011. Code enforcement received an undated letter from Ms Carter, post marked May 17, 2011. The brief letter simply stated a church was having her electrical power turned on and she was moving back into the home on Wednesday. During court, the municipal judge allowed her one week to correct the code violations or return to court June 20, 2011. On June 20, 2011, the property was not in compliance and the owner was fined \$179.50 per day until the violations were corrected or a maximum fine of \$1,000.00 was reached. The code violations were never corrected and the fined reached the maximum limit.

The property owner failed to pay the fine and a warrant was issued for Contempt of Court. In June 2012, another summons to appear July 2, 2012 was mailed and the owner did not appear in municipal court. Court enforcement added this property to the departments list of potential abatement properties. Neighbors have cleaned the vacant property during the past year but have since relocated, the property has continued to become overgrown, and rodent infested.

Property owners in the vicinity are concerned with the visible appearance of this noncompliant structure and overgrown property. Citizens are concerned for their health, safety and the blight this property reflects on their neighborhood. Code enforcement informed the owner by letter on December 10, 2012, the property would be recommended for an abatement hearing if not in compliance by January 15, 2013.

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 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.

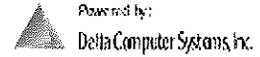
(3) If the governing authority does not declare that the cost and any penalty shall be collected as a civil debt, then the assessment above provided for shall be a lien against the property and may be enrolled in the office of the circuit clerk of the county as other judgments are enrolled, and the tax 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.

RECOMMENDATION:

Staff recommends City Council hold a public hearing on February 5, 2013, 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 structure.



Copyright 2012

Property Link

JACKSON COUNTY, MS

Current Date **6/ 6/2012**

Tax Year 2011
Records Last Updated **6/ 5/2012**

PROPERTY DETAIL

OWNER CARTER EVELINA
7728 NARCISSUS DR

GAUTIER MS 39553

ACRES : **NA**
LAND VALUE : 4130
IMPROVEMENTS : **NA**
TOTAL VALUE: 4130
ASSESSED : 620

PARCEL 85441260.000
ADDRESS 7728 NARCISSUS

TAX INFORMATION

YEAR 2011	TAX DUE	PAID	BALANCE
COUNTY	31.85	0.00	33.44
CITY	19.90	0.00	20.90
SCHOOL	30.00	0.00	31.50
TOTAL	81.75	0.00	85.84 5% Penalty

To Pay Online, WWW.MS1STOP.COM

LAST PAYMENT DATE **NA**

TAXES DELINQUENT PRIOR YEAR MISCELLANEOUS INFORMATION

EXEMPT CODE
HOMESTEAD CODE None
TAX DISTRICT 5840
PPIN 069629
SECTION 12
TOWNSHIP 7S
RANGE 7W

LEGAL LOT 187 HICKORY HILL EST S/D
UNIT #10 DB 1479-367
(366 Map771.12-02)
TRL#71603 '92 16X56 APLAUSE

Book **Page**

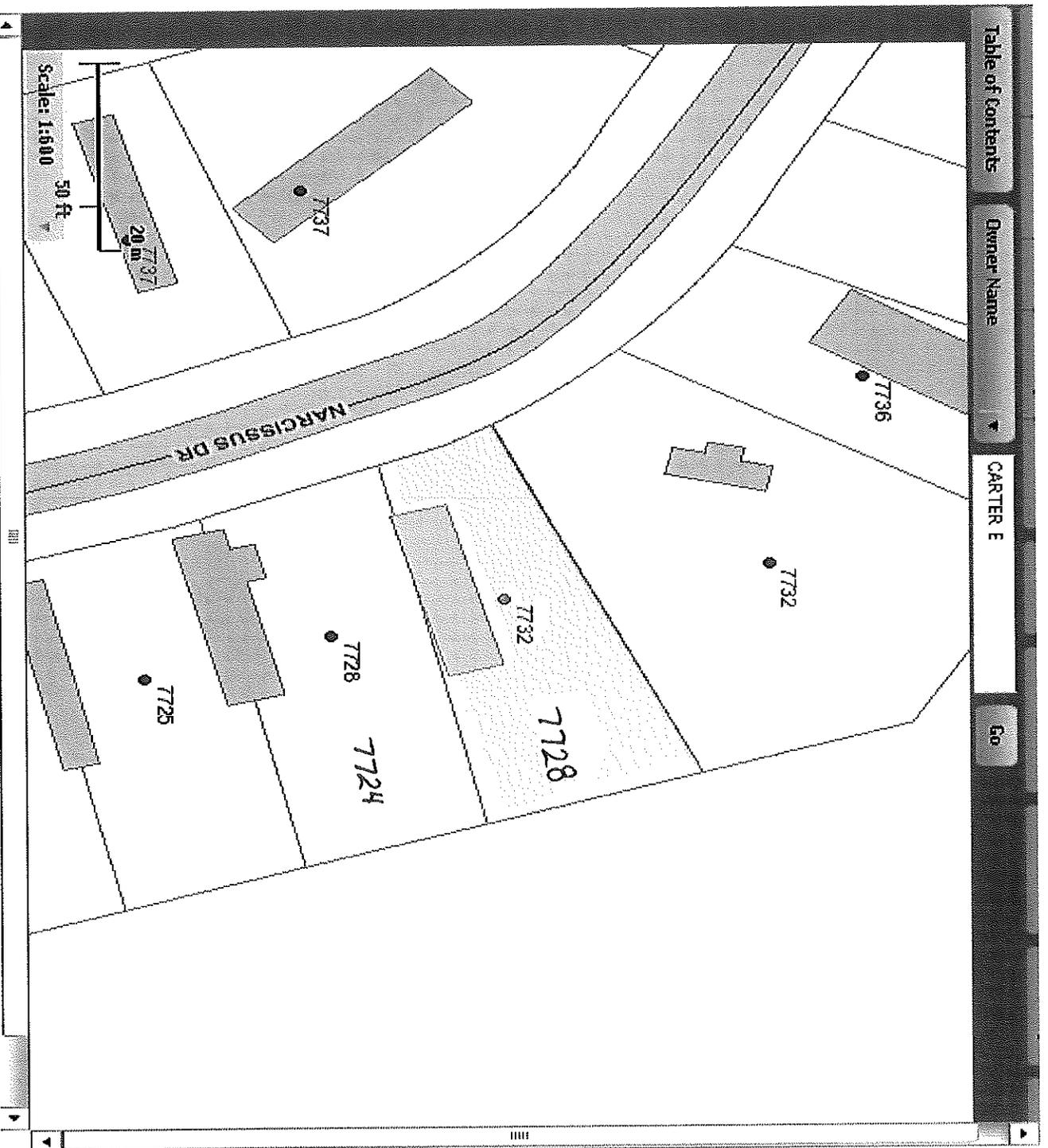
TAX SALES

PURCHASE COUNTY TAX SALE FILES

<u>Year</u>	<u>Sold To</u>	<u>Redeemed Date/By</u>
2010	LARRY ELLIOTT	UNKNOWN
2009	DOUBLE HELIX LAND INVESTMENTS LL	UNKNOWN
2008	MELVINA TAYLOR	8/22/2011 BOYCE HOLLEMAN & ASSOCIATES

863-9829

[Back](#)

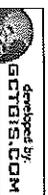


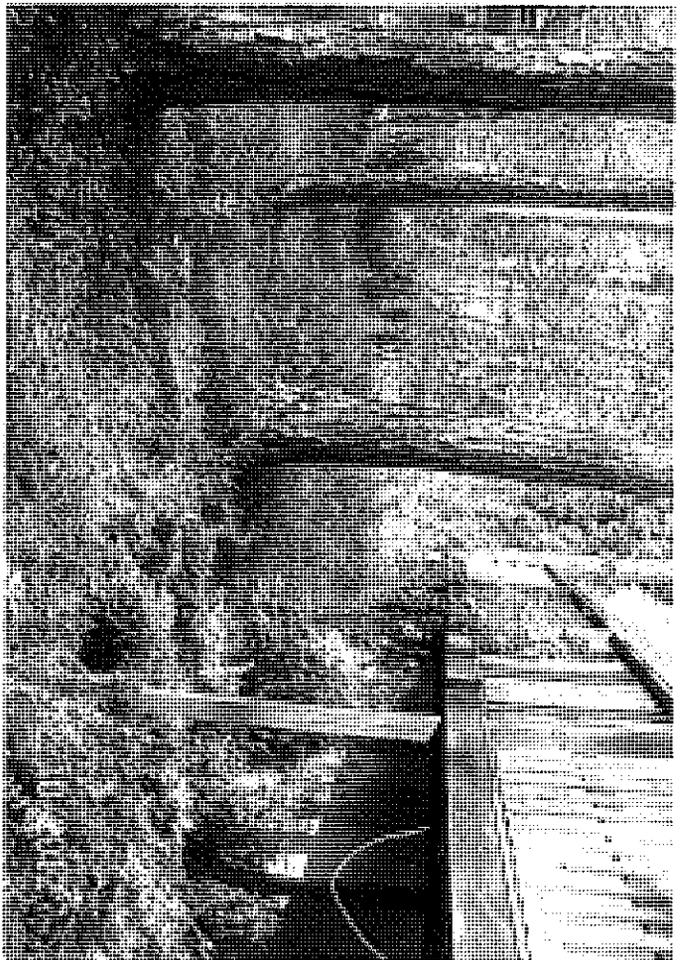
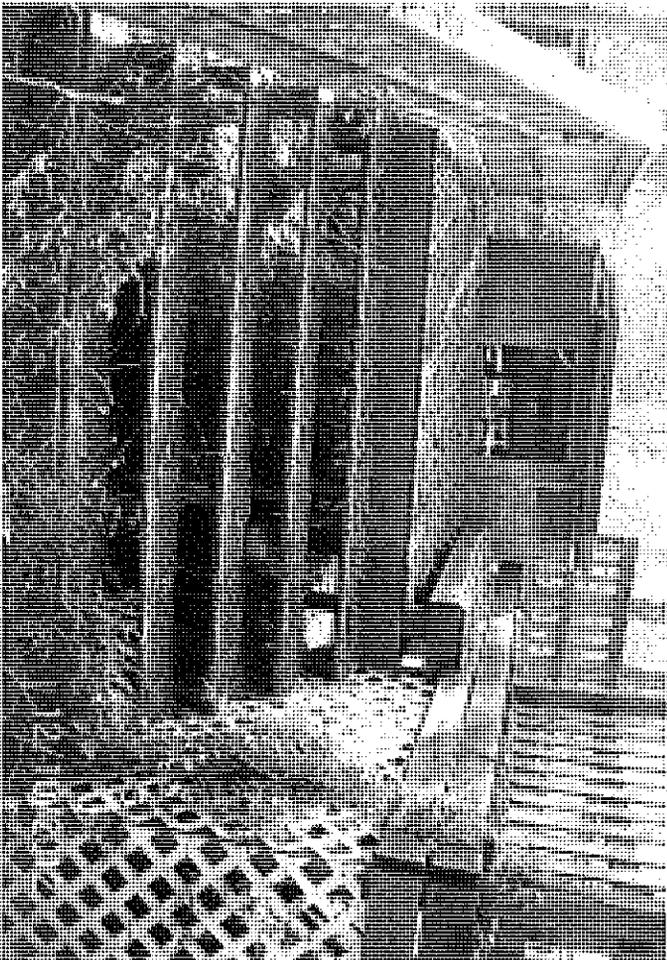
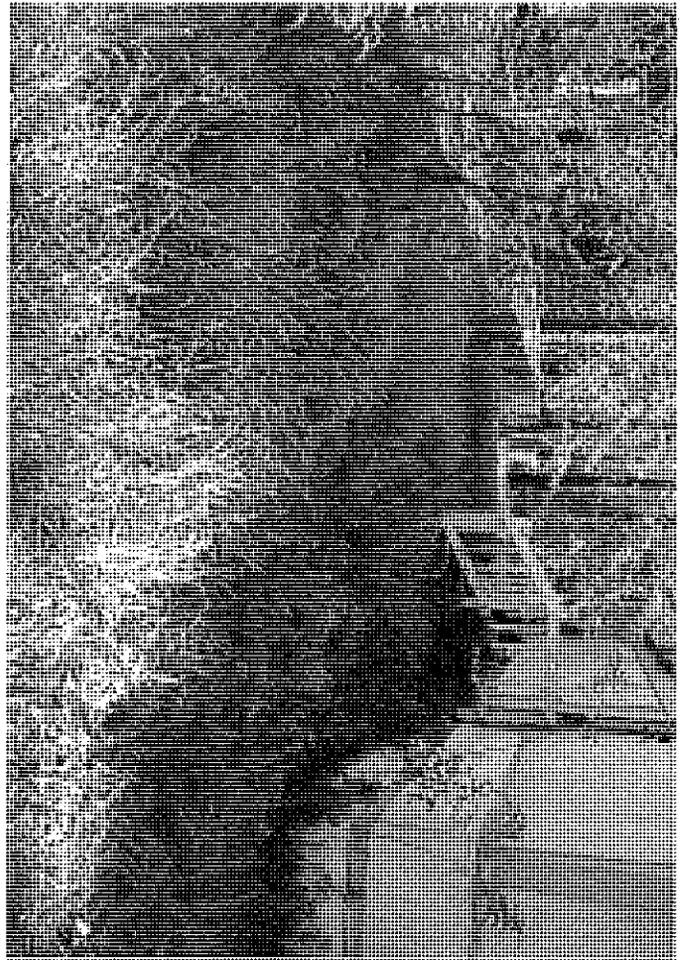
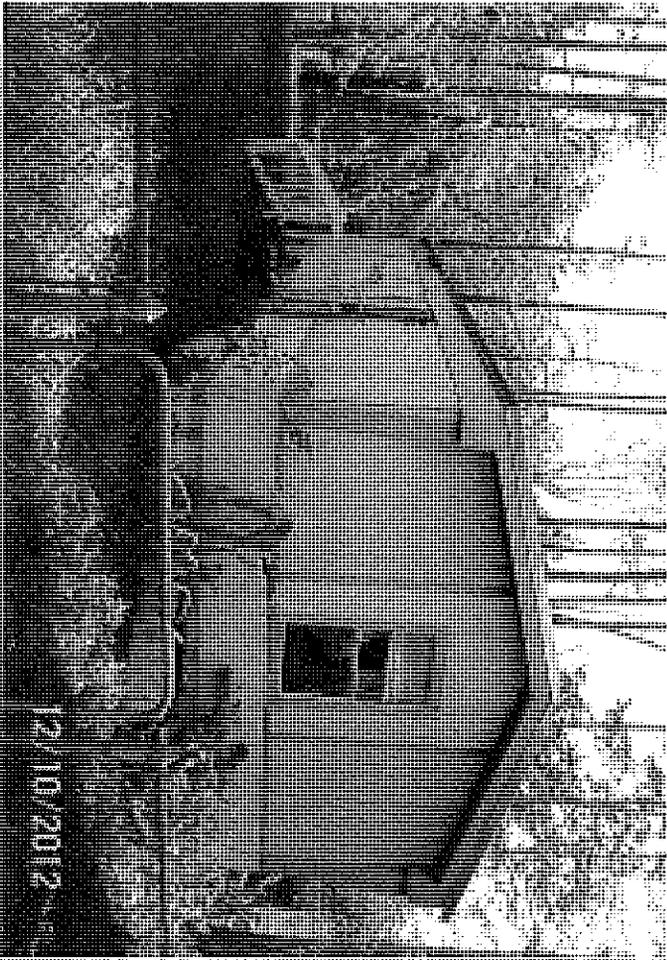
User Guide

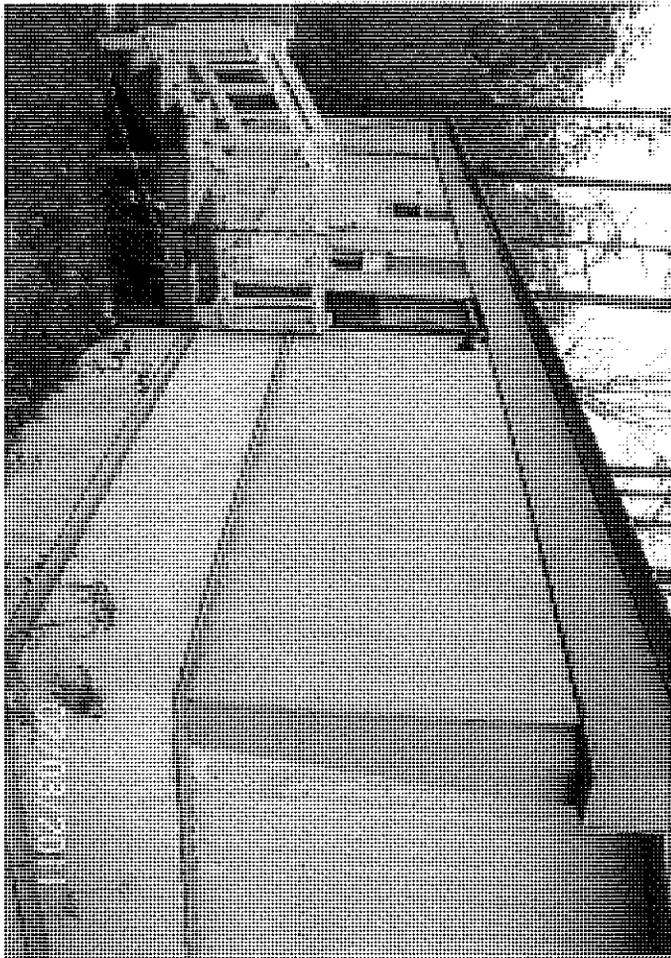
Parcel ID: 85441260.000
Owner Name 1: CARTER EVELINA
Owner Name 2: NARCISSEUS DR
Owner Address: 7728 NARCISSEUS DR
Owner City: GAUTIER MS
Owner ZIP: 39553
Parcel Location: 7728 NARCISSEUS DR GAUTIER
Zoning Code: R-3
Legal Description 1: LOT 187 HICKORY HILL EST S/D
Legal Description 2: UNIT # 10 DB 1479-367
Legal Description 3: (366 Map/771.12-02)
Legal Description 4: TRL#71603 '92 16X56 APLAUSE



City of Gautier, MS







Mayor
Tommy Fortenberry

City of Gautier

Gautier, Mississippi

City Manager
Samantha D. Abell

Interim City Clerk
Cindy Russell

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

December 10, 2012

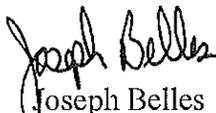
Double Helix land Investment LLC
169 Caroline Club Circle
Madison, Mississippi 39110

Reference: 7728 Narcissus Drive Gautier, MS 39553

This letter is to inform you the City of Gautier; Planning and Economic Development Department will recommend to the governing authority the property at 7728 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 history of the code violations on this property during a scheduled January 2013 council meeting. If the mayor and council determine the property meets the criteria for abatement they will set a public hearing for a scheduled February 2013 council meeting. 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 January 15, 2013. 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,


Joseph Belles
Code Enforcement Officer

Possible New OWNER
TAX SALE

COPY

mailed 12-10-12
JB

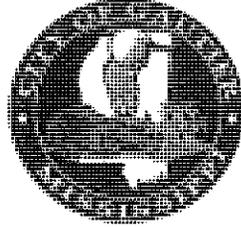
*Mayor
Tommy Fontenberry*

*City of Gautier
Gautier, Mississippi*

*City Manager
Samantha D. Abell*

*Interim City Clerk
Cindy Russell*

*Council
At Large Mary F. Martin
Ward 1 Johnny Jones
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Phone: (228) 497-8000
Fax: (228) 497-8028
Email: gautier@gautier-ms.gov
Website: www.gautier-ms.gov*

December 10, 2012

Evelina Carter
7728 Narcissus Drive
Gautier, Mississippi 39553

COPY
mailed 12-10-12
JB

Reference: 7728 Narcissus Drive Gautier, MS 39553

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Sincerely,

Joseph Belles
Joseph Belles
Code Enforcement Officer

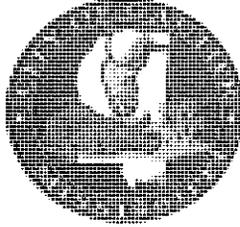
Mayor
Tommy Fortenberry

City of Gautier
Gautier, Mississippi

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

June 13, 2012

Evelina Carter
Gautier, Mississippi 39553
7728 Narcissus Drive

COPY

mailed 6-13-12
JB

Reference: 7728 Narcissus Drive Gautier, Mississippi 39553

Ms. Carter,

Three previous letters have identified property maintenance violations at the address referenced above. My last letter requested you finish correcting the violations identified and maintain the property within property code requirements so no other action would be necessary. The property is constantly overgrown, and has been vacant more than sixty days and must comply with existing code requirements and the problems addressed in a previous court appearance have not been corrected..

You are hereby summoned to appear in City of Gautier, Municipal Court on July 2, 2012, 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

Evelyn Center
7728 WARDLUSTON
GAUTIERE MS
39553



CLIPPORT MS 205

17 MAY 2011 PM 2 1



RECEIVED
MAY 10 2011

Meyer Community Services

3305 VANCE LAKE ROAD

9999999999

GAUTIERE MS 39553

My Church is turning my
lights on Wednesday
after I go to a meeting
at my Church
I Be Moving Back
Perment it no
lights on there

Starting on
Mrs Carter
give me until this week
I will be BACK FOR GOOD.

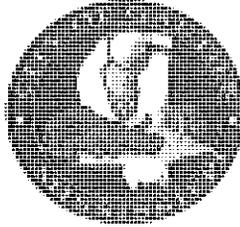
*Mayor
Tommy Fortenberry*

*City of Gautier
Gautier, Mississippi*

*City Manager
Sidney M. Runnels*

*City Clerk
Wendy S. McClain*

*Council
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Phone: (228) 497-8000
Fax: (228) 497-8028
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Website: www.gautier-ms.gov*

May 12, 2011

Evelina Carter
7728 Narcissus Drive
Gautier, Mississippi 39553

Reference: 7728 Narcissus Drive Gautier, Mississippi 39553

Ms. Carter,

Three previous letters have identified property maintenance violations at the address referenced above. My last letter requested you finish correcting the violations identified and maintain the property within property code requirements so no other action would be necessary. The property is constantly overgrown, and has been vacant more than sixty days and must comply with existing code requirements. Nothing has been accomplished to maintain the property as we discussed during our phone conversation.

You are hereby summoned to appear in City of Gautier, Municipal Court on June 13, 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,

A handwritten signature in black ink, appearing to read "Joseph Belles".

Joseph Belles
Code Enforcement Officer

Cc: File

Mayor
Tommy Fontenberry

City of Gautier
Gautier, Mississippi

City Manager
Sidney A. Rummels

City Clerk
Wendy S. McClain

Council
At Large Mavy Martin
Ward 1 Johnny Jones
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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

April 28, 2011

COPY

mailed 4-28-11
JB

Evelina Carter
7728 Narcissus Drive
Gautier, Mississippi 39553

Reference: 7728 Narcissus Drive Gautier, Mississippi 39553

Ms. Carter,

The property address referenced above remains in violation of the City of Gautier, zoning ordinances after previously sending you two letters of violation and discussing the code violations with you on the phone. On April 28, 2011, the property was reviewed for compliance and found to be overgrown and appears to be vacant. The last contact from you was by letter on/about March 18, 2011. The City of Gautier, Unified Development Ordinance, Article XVI, Section 16.7, Care of Property and Premises States:

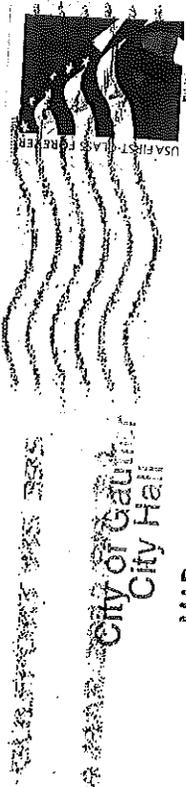
"It is unlawful for the owner or occupant of a residential building, structure, or property to utilize the premises of such residential property for the open storage of any abandoned motor vehicle or parts thereof, appliances, building material, building rubbish or similar items." It shall be the duty 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 summons to appear in court will be issued in one week regarding this matter. 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

Eveling Carter
7728 NAREICASSORIVE
GAUTIER, MS 39553



CITY OF GAUTIER
CITY HALL

MAR 16 2011

Received by
[Signature]

CITY OF GAUTIER MS
Community Service Department
3305 VANCE AVE ROAD
PO BOX 670
GAUTIER, MS 39553

Mayor
Tommy Fortenberry

City of Gautier

Gautier, Mississippi

City Manager
Sidney M. Ruunels

Council

At Large Mary Martin

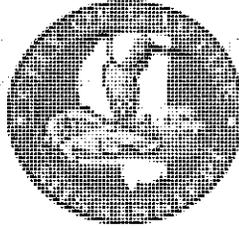
Ward 1 Johnny Jones

Ward 2 Hurley Ray Guillotte

Ward 3 Gordon T. Gollott

Ward 4 Scott D. Macfarland

Ward 5 Adam D. Colledge



City 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

March 7, 2011

Evelina Carter
7728 Narcissus Drive
Gautier, Mississippi 39553

Reference: 7728 Narcissus Drive Gautier, Mississippi 39553

Ms. Carter,

The property referenced above remains 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 fourteen days to bring the manufactured home into compliance with existing manufactured home standards or remove the mobile home from its location. The manufactured home has been vacate more than sixty days and must comply with the City's new 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 this manufactured home in disrepair by March 22 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

I ALready PAID MY neighbor
\$25.00 And he cut my yard
LAST week ago and raked it up
for me I will Be back living permanent in
Gautier ms Friday for good Im am moving

BACK I waiting on my friends
from American Red Cross to pay a bill
for me they say I way not at home
when they come by so now I has to
come by there so I will BE BACK over
there Friday to stay in my Home
Evelina Carter 596-5738

Mayer
Tommy Fortenberry

City of Gautier
Gautier, Mississippi

City Manager
Sidney M. Runnels

City Clerk
Wendy S. McClain

Council

At Large Mary Martin

Ward 1 Johnny Jones

Ward 2 Harley Ray Guillotte

Ward 3 Gordon F. Gollott

Ward 4 Scott D. Macfarland

Ward 5 Adam D. Colledge



3330 Highway 96
Gautier, MS 39553
Phone: (228) 497-5000
Fax: (228) 497-5028
Email: gautier@gautier-ms.gov
Website: www.gautier-ms.gov

March 7, 2011

Evelina Carter
7728 Narcissus Drive
Gautier, Mississippi 39553

COPY

mailed 3-08-11
JB

Reference: 7728 Narcissus Drive Gautier, Mississippi 39553

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Joseph Belles
Code Enforcement Officer

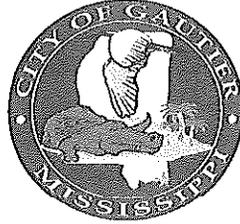
Mayor
Tommy Fontenberry

City of Gautier

Gautier, Mississippi

City Manager
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Ward 2 Hwiley Ray Guillotte
Ward 3 Gordon F. Gollatt
Ward 4 Scott D. Macfarland
Ward 5 Adam D. Colledge



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

February 3, 2011

COPY

mailed 2-04-11
JB

Evelina Carter
7728 Narcissus Drive
Gautier, Mississippi 39553

Reference: 7728 Narcissus Drive Gautier, Mississippi 39553

Ms. Carter,

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 (30) days to bring the mobile home into compliance with existing mobile home standards or remove the mobile home from its location. The mobile home has been vacate more than sixty days and must comply with the City's new 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 this mobile home in disrepair by March 3, 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