CITY OF GAUTIER
MEMORANDUM

To:	Samantha Abell, City Manager
From:	Joe Belles, Code Enforcement Officer
Through:	Patty Huffman, Grants and Project Manager Chandra Nicholson, Planning and Economic Development Director
Date:	May 14, 2014
Subject:	3677 Mackeral Drive Gautier, Mississippi 39553.

REQUEST:

Pursuant to the Mississippi Codes Annotated, 1972 § Title 21, Chapter 19, Section 11, the City of Gautier, Mayor and City Council should conduct a public hearing and receive public comment(s) regarding staff's recommendation to clean this private property and render the structure safe by securing all windows and doors.

BACKGROUND:

An initial observation by code enforcement in October 2008 cited a non-operational vehicle, a boat, and the vacant property was scattered with trash and debris. A violation notice was left at the property and followed by a letter of violation sent to the owner who resided a few blocks away at 2805 Flounder Circle. The initial violation was closed by code enforcement in December 2008.

A few years later when code enforcement was given the additional responsibility to address dilapidated homes and structures, the case was reopened on this vacant property in February 2011. At this time code enforcement cited, a non-operational vehicle, boat and the dilapidated condition of the home and allowed the owner 30 days to correct the violations. In March 2011, the owner was served with a summons to appear in municipal court June on 6, 2011. She entered a plea of not guilty and was scheduled for trial on July 11, 2011. When she did not appear in municipal court, the presiding judge found her guilty in her absence and the fine amount reached a maximum allowed by law of one thousand dollars. After the owner began making payments on the fine, it was learned the owner had applied for a grant to repair the home and code enforcement took no additional action during the application process.

Later, the owner was incarcerated for five years on a felony charge with Mississippi Department of Corrections. After she was paroled another letter of violation was mailed to her in November 2013, citing the previous municipal court finding of guilty and that the property remains in a dilapidated and now unsecured condition. In April 2014, she was again found guilty in municipal court. The municipal judge had provided her nearly three months to make the necessary repairs before setting a daily fine that again reached the maximum allowed for municipal cases of one thousand dollars. The home remains in a dilapidated condition; with broken windows, decaying wood surfaces and missing the entire back door and frame. The International Building Code defines an unsecured structure as an unsafe structure. These violations are clearly noticeable from the public right-of-way.

Property owners in the vicinity remain concerned with the visible appearance of this overgrown property and the unsecured/unsafe structure. Neighbors are concerned for the health, safety and welfare of their neighborhood. On May 6, 2014, the Mayor and City Council set a public hearing date of June 3, 2014, and the property owner was notified by letter of the hearing. Additionally, both the property and city bulletin board were posted with a copy of the public hearing notice two weeks prior to the scheduled hearing.

DISCUSSION:

The primary goal is to clean up and maintain the overgrown property pursuant to the Mississippi Codes Annotated, 1972 § Title 21, Chapter 19, Section 11, and secure the structure in accordance with the International Building Code requirements. If repairs are not made to the home, it will continue to decay and could result in a recommendation to demolish the structure in the future.

RECOMMENDATION:

Staff recommends the Mayor and Council should allow the responsible party until July 7, 2014, to clean up the property and secure the entire structures. If the property is not cleaned and the doors and windows secured by July 7, 2014, the Mayor, and Council should direct staff to commence with clean up and rendering safe the structure as prescribed after the statutory 10-day appeal period from the date of Council action and adjournment.

ATTACHMENTS 12:

1. Quasi-Judicial Procedures
2. Property tax document
3. Parcel information
4. May 7, 2014, Letter of Notification, Public Hearing
5. April 23, 2014, Letter to recommend property clean up
6. Summons to Appear, January 13, 2014
7. November 7, 2013, Letter of Violation
8. Summons to Appear, June 6, 2011
9. February 22, 2011, Letter of Violation
10. November 10, 2008, Letter of Violation
11. October 27, 2008, Violation Notice
12. Current Photos

QUASI-JUDICIAL PROCEDURES

1. Announcement of Matter. Read the matter title to be considered.

2. Swear the Witnesses. All witnesses, parties, citizen participants and City Staff who plan to speak at the hearing shall collectively be sworn at the beginning of the hearing by the City Attorney

3. Ex Parte Disclosure. All members must disclose on the record any ex parte communications, to include any physical inspections of the subject property. The disclosure should include with whom any communication has taken place, a summary of the substance of the communication, and the date of the site visit, if any. If anyone has received written communications, the writing must be presented, read into record or a copy provided to all participants, and made a part of the official record.

4. Applicant Presentation.

5. Questions directed to Applicant. The applicant should answer any questions by the public, the Council, or others.

6. Staff Presentation. This includes presentation of the staff report into the official record.

7. Objections from Applicant. Confirm whether there are objections from the applicant regarding the staff report or development order.

8. Questions directed to Staff. The staff answers any questions by the public, the Council, or others.

9. Public Comments. Members of the public should be allowed to make comments regarding the application.

10. Applicant rebuttal/final comments

11. Staff rebuttal/final comments

12. Call for final questions.

13. Close public portion of the hearing.

14. Motion & Deliberation. Council makes a motion, and debates and deliberates regarding the application and development order.

15. Vote.

16. Close the quasi-judicial proceeding.

Jackson County Mississippi

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Property Link

JACKSON COUNTY, MS

Current Date **4/14/2014**

Tax Year 2013
Records Last Updated **4/11/2014**

PROPERTY DETAIL

OWNER	AGUILLARD BARBARA L 3677 MACKERAL DR GAUTIER MS 39553	**ACRES :**	**NA**
		LAND VALUE :	5930
		IMPROVEMENTS :	46240
		TOTAL VALUE:	52170
		ASSESSED :	5217
PARCEL	86304192.000		
ADDRESS	3677 MACKERAL		

TAX INFORMATION

YEAR 2013	**TAX DUE**	**PAID**	**BALANCE**
COUNTY	162.99	0.00	167.88
CITY	180.20	0.00	185.61
SCHOOL	137.02	0.00	141.13
TOTAL	480.21	0.00	494.62 **3% Penalty**

To Pay Online, WWW.MS1STOP.COM

LAST PAYMENT DATE **NA**

MISCELLANEOUS INFORMATION

EXEMPT CODE		**LEGAL**	LOTS 173,174 & 175 POINT CLEAR RIVIERA S/D SECT I PB 10-24 DB 1353-757 (357M MAP872.03-01)
HOMESTEAD CODE	REG		
TAX DISTRICT	3840		
PPIN	072068		
SECTION	03		
TOWNSHIP	8S		
RANGE	7W		

Book **Page**

PURCHASE COUNTY TAX SALE FILES

TAX SALES HISTORY, FOR UNPAID TAXES

Year	**Sold To**	**Redeemed Date/By**
2012	GNART LLC	1/21/2014 MOORE MARIA FOR B AGUILLARD
2011	ADAIR ASSET MGMT LLC, /BMO HARRI	1/21/2014 MOORE MARIA FOR B AGUILLARD
2010	MAGNOLIA GROVE RTO LLC	8/29/2013 MOORE MARIA L
2009	ON POINT LLC	8/31/2011 AGUILLARD BARBARA L
2008	GNART LLC	8/31/2011 AGUILLARD BARBARA L
2007	MELVINA TAYLOR	8/25/2010 AGUILLARD BARBARA L
2006	COLLEGE INVESTMENT CO	5/29/2009 AGUILLARD BARBARA L

Back

Parcel Information

PIDN: 86304192.000

GISP: 872.03-01-0357.00M

Owner Information

Name: AGUILLARD BARBARA L

Percent of Ownership: 100

Name2:

Mailing Address: 3677 MACKERAL DR
GAUTIER MS 39553

Physical Address: 3677 MACKERAL DR GAUTIER

Land Information

Section, Township, Range: 03 8S 7W

Acreage: .00

Street Name: MACKERAL DR

Value and Tax Information

Total Assessed Value: 5217

Total Appraised Value: 52170

Improvement Value: 46240

Land Value: 5930

Tax Amount: 480

SQ. FT: 1566

Year Built: 1974

Legal Description

Description: LOTS 173;174 & 175 POINT CLEAR RIVIERA S/D SECT I PB 10-24 DB 1353-757 (357M MAP872.03-01)

Deed Book / Page: 1353 / 757

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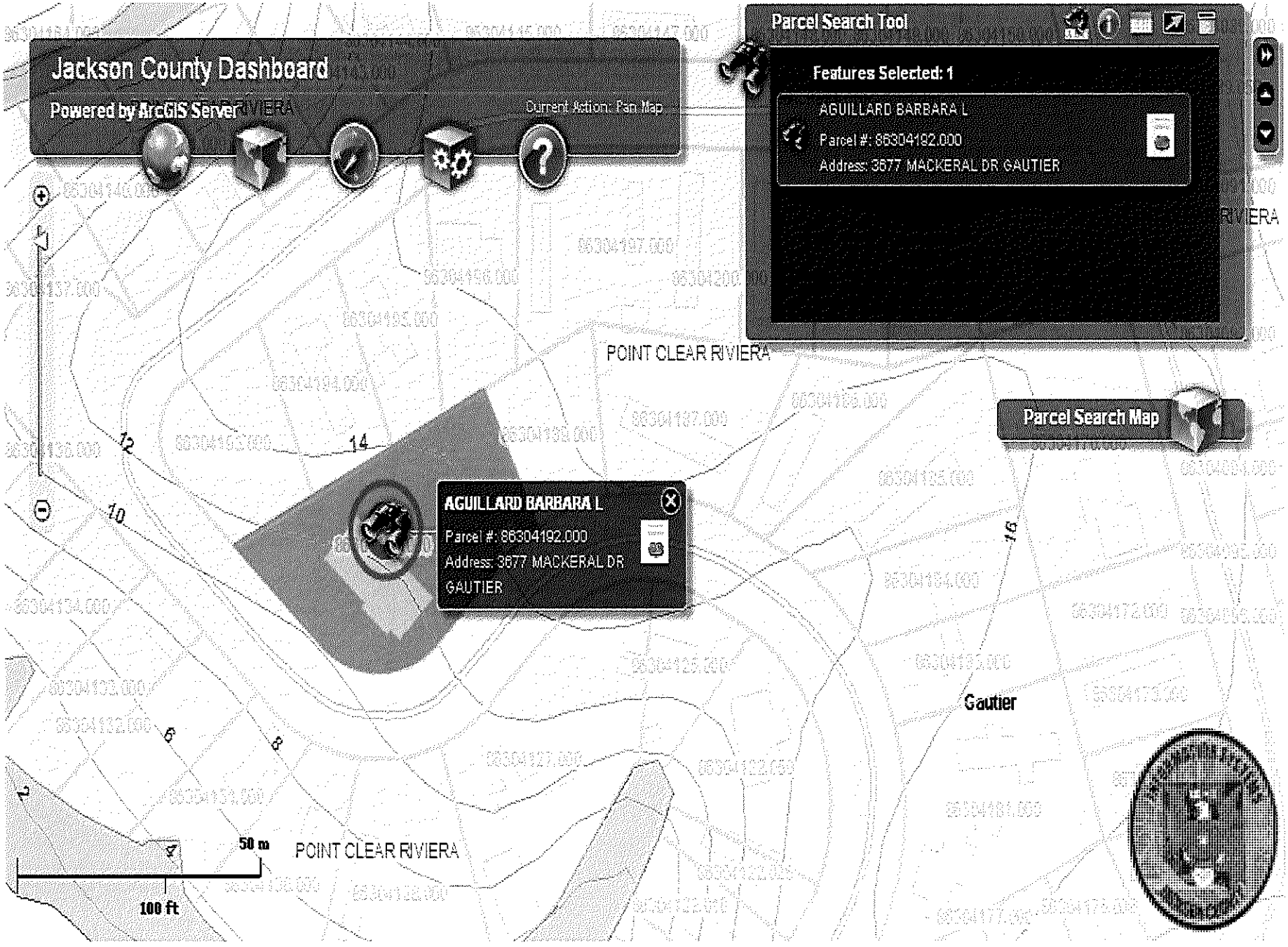

Jackson County Dashboard
Powered by ArcGIS Server
Current Action: Pan Map
Parcel Search Tool
Features Selected: 1
AGUILLARD BARBARA L
Parcel #: 86304192.000
Address: 3677 MACKERAL DR GAUTIER
POINT CLEAR RIVIERA
Parcel Search Map
AGUILLARD BARBARA L
Parcel #: 86304192.000
Address: 3677 MACKERAL DR
GAUTIER
Gautier
POINT CLEAR RIVIERA
50 m
100 ft

Mayor
Gordon T. Gollott

Council
At Large Mary F. Martin
Ward 1 Johnny Jones
Ward 2 Hurley Ray Guillotte
Ward 3 Casey C. Vaughan
Ward 4 Charles "Rusty" Anderson
Ward 5 Adam D. Colledge

City of Gautier

Gautier, Mississippi

City Manager
Samantha D. Abell

City Clerk
Cynthia Russell

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 + posted
MAY 7, 2014

May 7, 2014

Barbara L Aguillard
2805 Flounder Circle
Gautier, Mississippi 39553

Reference: 3677 Mackeral Drive Gautier, MS 39553

Ms. Aguillard,

The City of Gautier, Mayor and City Council has approved and scheduled a public hearing for Tuesday, June 3, 2014, at 6:30 PM. The location for the hearing is the Gautier City Hall, 3330 Highway 90 Gautier, Mississippi 39553. The purpose of this public hearing is to determine whether or not the property referenced above is in such a state of uncleanliness as to be a menace to the public health, safety, and welfare of the community per Mississippi Code Annotated 1972 § Title 21, Chapter 19, Section 11.

If at the scheduled hearing, the governing authority decides the property or parcel of land is in a condition determined to be a menace to the public health, safety, and welfare of the community, the city shall proceed to clean the land by the use of municipal workers or by contract. The scope of the work to be performed may include cutting grass/weeds, removing rubbish, draining cesspools/standing water from the property, removing dilapidated fences/building, removing personal property and other debris from the property.

Additionally, the municipality may reenter the property or parcel of land for a period of one year after the hearing without any further hearings. A notice will be 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 days before the property or parcel of land is reentered for cleaning.

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) 497-1878 ext 318or cell number (228) 219-7035.

Sincerely,

Joseph Belles
Code Enforcement Officer

Mayor
Gordon T. Gollott

Council
At Large Mary F. Martin
Ward 1 Johnny Jones
Ward 2 Hurley Ray Guillotte
Ward 3 Casey C. Vaughan
Ward 4 Charles "Rusty" Anderson
Ward 5 Adam D. Colledge

City of Gautier

Gautier, Mississippi

City Manager
Samantha D. Abell

City Clerk
Cynthia Russell

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 4-23-14
JB

April 23, 2014

Barbara L Aguillard
2805 Flounder Circle
Gautier, Mississippi 39553

Reference: 3677 Mackeral Drive Gautier, MS 39553

Ms. Aguillard,

This letter is to inform you the City of Gautier; Planning and Economic Development Department will recommend to the governing authority the property at 3677 Mackeral 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 May 2014 council meeting. If the mayor and council determine the property, meets the criteria for private property clean up they will set a public hearing for a scheduled June 2014 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.

Code enforcement is requesting the property be in compliance by June 3, 2014. 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) 497-1878 ext 318, or cell number (228) 219-7035.

Sincerely,

Joseph Belles
Code Enforcement Officer

SUMMONS TO APPEAR

STATE OF MISSISSIPPI
COUNTY OF JACKSON
CITY OF GAUTIER

No. 01750

IN THE MUNICIPAL COURT OF THE CITY OF GAUTIER THE AFFIANT HEREIN, BEING DULY SWORN, UPON OATH DOES DEPOSE AND SAY: AT THE FOLLOWING LOCATION, TIME AND DATE:

DAY: THUR DATE: 12-12-13 TIME: 9:00 AM

LOCATION: 3677 MACKERAL DRIVE

NAME (F.M.L.): BARBARA L. AGUILLARD

ADDRESS: 2805 FLOUNDER CIRCLE

CITY: GAUTIER STATE: MS ZIP: 39553

PHONE: ( ) EMPL:

DOB: 5-29-61 SSN: [redacted]

RACE: W SEX: F HT: 5'2" WT: 155

THAT THE APPRESAID PERSON DID WILLFULLY AND UNLAWFULLY VIOLATE:

☐ State Statute

☑ Local Ordinance: City of Gautier

TO WIT: Unified Development Ordinance ART XVI SEC 16.6 CARE OF PROPERTY & PREMISES

FURTHER, AFFIANT STATES THAT HE OR SHE HAS PROBABLE CAUSE TO BELIEVE, AND DOES BELIEVE, THE PERSON NAMED ABOVE COMMITTED THE OFFENSE HEREIN SET FORTH CONTRARY TO LAW AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF MISSISSIPPI AND THE CITY OF GAUTIER.

AFFIANT/OFFICER SIGNATURE: [signature]

SWORN TO BEFORE ME, THIS THE _____ DAY OF _____, 19__

_____
COURT CLERK/DEPUTY CLERK

YOU ARE HEREBY NOTIFIED TO APPEAR OR CONTACT THE MUNICIPAL COURT CLERK, BILLIE THOMPSON, ON OR BEFORE THE 13 DAY OF JANUARY 2014

-3350 HWY 90, GAUTIER, MS 228-497-8004 1:30 pm

CASE # 3371 PAGE # _____ DOC. # _____

OFFICER

Mayor
Gordon T. Gollott

Council
At Large Mary F. Martin
Ward 1 Johnny Jones
Ward 2 Hurley Ray Guillotte
Ward 3 Casey C. Vaughan
Ward 4 Charles "Rusty" Anderson
Ward 5 Adam D. Colledge

City of Gautier

Gautier, Mississippi

City Manager
Samantha D. Abell

City Clerk
Cindy Russell

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 11-07-13
JB

November 7, 2013

Barbara Aguillard
2805 Flounder Circle
Gautier, Mississippi 39553

Reference: 3677 Mackeral Drive Gautier, Mississippi 39553

Ms. Aguillard,

The property address referenced above remains in violation of the City of Gautier, zoning ordinances after previously sending you two letters of violation and referring the violations to the City of Gautier, Municipal Court. On May 11, 2013, you were found guilty in your absence and fined one thousand dollars. The dilapidated property still does not comply with the city ordinance and is not secured and a blight to the neighborhood. You need to contact the City of Gautier, Building Administrator for a complete review and determination of the necessary repairs to comply with the city ordinance. The City of Gautier Unified Development Ordinance, Article XVI, Section 16.1, 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.

A summons to appear in court will be issued if the violations are not corrected by December 9, 2013. You may contact the City of Gautier, Code Enforcement Office, Monday – Thursday, 8:00 AM - 5:00 PM at (228) 497-1878, if you have any questions. Code enforcement gratefully appreciates your cooperation in this matter.

Yours truly,

Joseph Belles
Code Enforcement Officer

SUMMONS TO APPEAR

STATE OF MISSISSIPPI
COUNTY OF JACKSON
CITY OF GAUTIER

No. 03989

IN THE MUNICIPAL COURT OF THE CITY OF GAUTIER THE AFFIANT HEREIN, BEING DULY SWORN, UPON OATH DOES DEPOSE AND SAY: AT THE FOLLOWING LOCATION, TIME AND DATE:

DAY: Tues DATE: 3-22-2011 TIME: 3:00PM

LOCATION: 3677 Mackeral

NAME (F. M. L.): Barbara L. Aguillard

ADDRESS: 2805 Flounder Circle

CITY: Gautier STATE: MS ZIP: 39553

PHONE: ( ) EMPL:

DOB: 5-29-61 SSN: [redacted]

RACE: W SEX: F HT: 5'2" WT: 155

THAT THE AFORESAID PERSON DID WILLFULLY AND UNLAWFULLY VIOLATE:

☐ State Statute:

☑ Local Ordinance: City of Gautier

TO WIT: Unified Development Ordinance Art 13, Section 13.3.1 Care of Property 4 Premises

FURTHER, AFFIANT STATES THAT HE OR SHE HAS PROBABLE CAUSE TO BELIEVE, AND DOES BELIEVE, THE PERSON NAMED ABOVE COMMITTED THE OFFENSE HEREIN SET FORTH CONTRARY TO LAW AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF MISSISSIPPI AND THE CITY OF GAUTIER.

AFFIANT/OFFICER SIGNATURE: Joseph T. Collins

SWORN TO BEFORE ME, THIS THE _____ DAY OF _____, 19 _____.

COURT CLERK/DEPUTY CLERK

YOU ARE HEREBY NOTIFIED TO APPEAR OR CONTACT THE MUNICIPAL COURT CLERK, BILLIE THOMPSON, ON OR BEFORE THE 6 DAY OF June, 19 2011

3330 HWY 90, GAUTIER, MS 228-497-8004 1:30 pm

CASE # _____ PAGE # _____ DOC. # _____

OFFICER

Mayor
Tommy Fortenberry

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 of Gautier
Gautier, Mississippi

City Manager
Sidney M. Runnels

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 22, 2011

COPY

mailed 2-22-11
JB

Barbara Aguillard
2805 Flounder Circle
Gautier, Mississippi 39553

Reference: 3677 Mackeral Drive Gautier, Mississippi 39553

Ms Aguillard,

On February 18, 2011, a Code Enforcement Officer for the City of Gautier received a telephone complaint regarding a code of ordinance violation at your property address referenced above. This letter will serve as my notice of violation and you have thirty (30) days to correct the problems or notify the code enforcement office if you cannot meet this suspense. Your property has a home that has been vacant more than sixty (60) days and must conform to the City's existing code requirements. There is a dilapidated boat, non-operational vehicle and the home is in a state of disrepair. At this time, we would like to discuss our observations to maintain an amicable appearance with other property owners in this area. 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 (60) consecutive days any subsequent use shall conform to the regulations of this Ordinance for the district in which it is located.

You can 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 you may have. We gratefully appreciated your cooperation in this matter.

Sincerely,

Joseph Belles
Code Enforcement Officer

mailed
11-10-08
JB

November 10, 2008

Barbara L Aguillard
2805 Flounder Circle
Gautier, Mississippi 39553

Reference: 3677 Mackeral Drive Gautier, Mississippi 39553

Ms. Aguillard,

On October 27, 2008, a Code Enforcement Officer for the City of Gautier while patrolling Riviera Sub-division detected several codes of ordinance violations at your property address referenced above. A copy of the code violation notice was left hanging on your front door and you were given 14 days to correct the problems or notify the code enforcement office if you could not meet this suspense. On November 10, 2008 the property was re-inspected and nothing appeared to have been corrected and there hasn't been any contact from you. At this time we would like to discuss the property 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

Joseph Belles
Code Enforcement Officer

Cc: File

2805 Flounder

CITY OF GAUTIER

Planning Department
"CODE OF ENFORCEMENT"

Date Oct 27, 2008

Owner/Occupant: _____

Address: 3677 MACKERAL

In the interest of protecting the welfare of the neighborhood and the quality of life in the City of Gautier, YOU are advised that this property is found to be in violation of City Ordinance(s) for the following Reason(s):

____ Failure to have required street numbers prominently displayed on house or building

____ Over grown grass and unkept property

X Accumulation of trash and debris

____ Open garbage and/or garbage in front yard or on Public Right of Way

X Abandoned, derelict, inoperable or otherwise unsightly vehicle(s) in yard or driveway

____ Vehicle(s) parked in yard, not on hard surface(s)

____ Other NON OPERATIONAL BOAT & VEHICLE

City Ordinance No. 24 Section 14:6

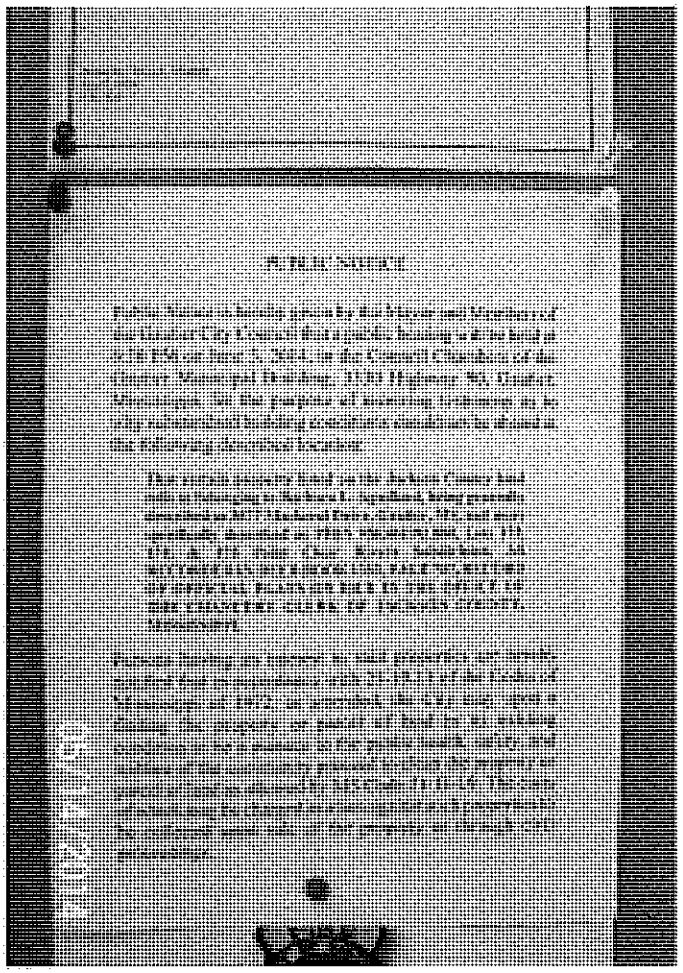
IT SHALL BE UNLAWFUL FOR THE OWNER OR OCCUPANT OF A BUILDING, STRUCTURE, OR PROPERTY TO UTILIZE THE PREMISES OF SUCH PROPERTY FOR THE OPEN STORAGE OF ANY ABANDONED MOTOR VEHICLE, OR PARTS THEREOF, ICE BOX, REFRIGERATOR, STOVE, BUILDING MATERIAL, RUBBISH OR SIMILAR ITEMS. IT SHALL BE THE DUTY AND RESPONSIBILITY OF EVERY SUCH OWNER OR OCCUPANT TO KEEP THE PREMISES OF SUCH PROPERTY CLEAN AND TO REMOVE FROM THE PREMISES ALL SUCH ABANDONED ITEMS LISTED ABOVE. FURTHERMORE, THE GENERAL SITE AND/OR PREMISES SHALL BE MAINTAINED IN GENERAL WITH PARTICULAR REFERENCE 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.

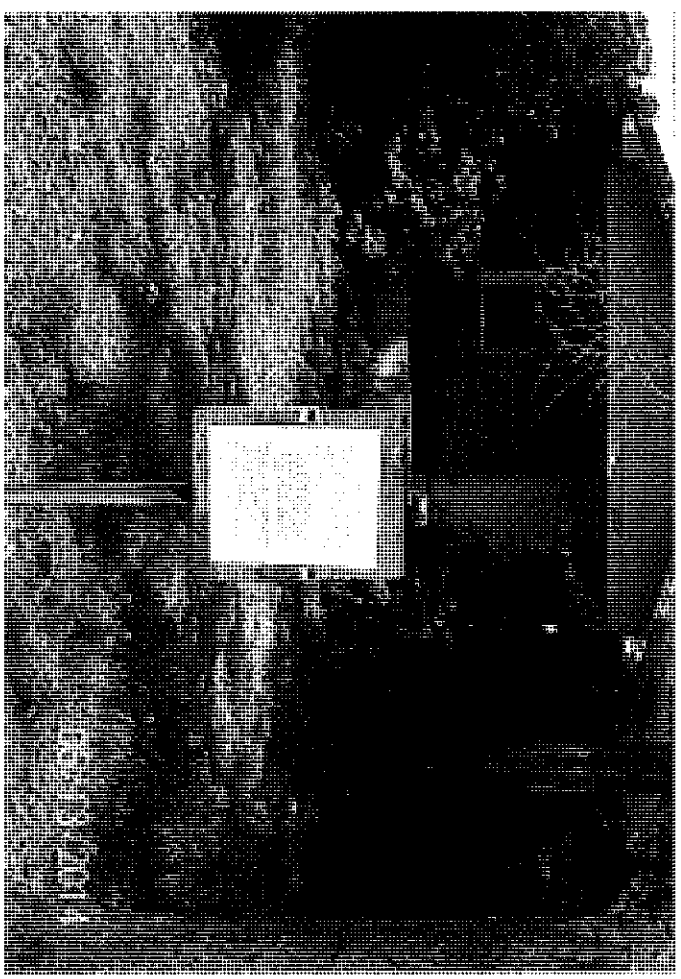
JOE @ 4978802

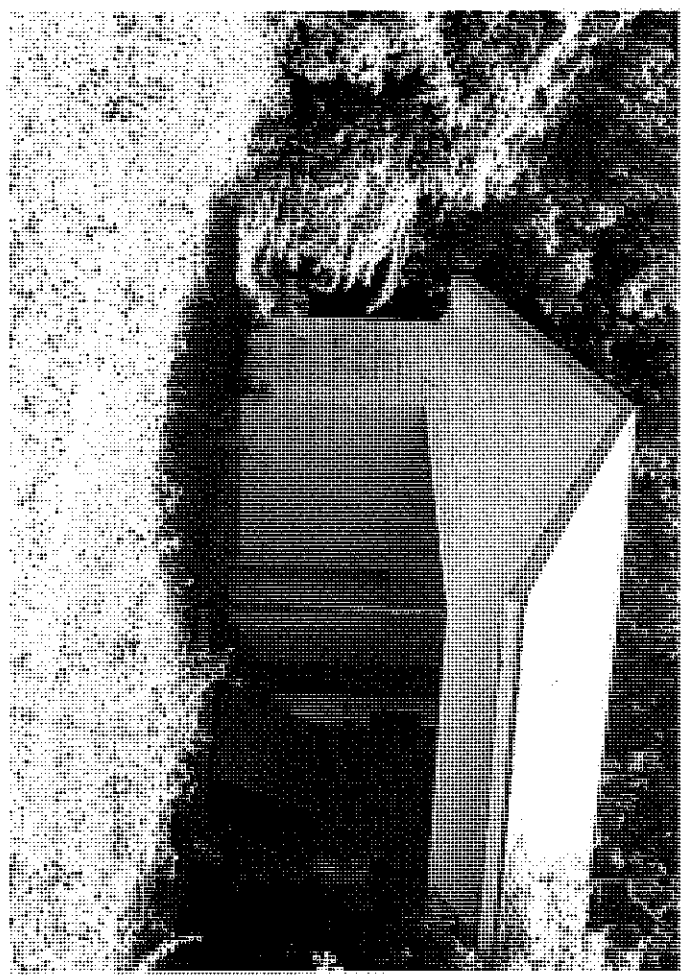
Owner/Occupant: YOU will have 14 days from the date of this notice in which to correct the above checked violation(s). If you have any difficulty in complying with the above City Ordinance in the allotted time please call me at 228-497-1878. If you fail to contact me or comply with the City Ordinance, a citation can be issued for you to appear in court regarding this matter.

Code Enforcement
City of Gautier

Lewis Printing • 228-762-3152

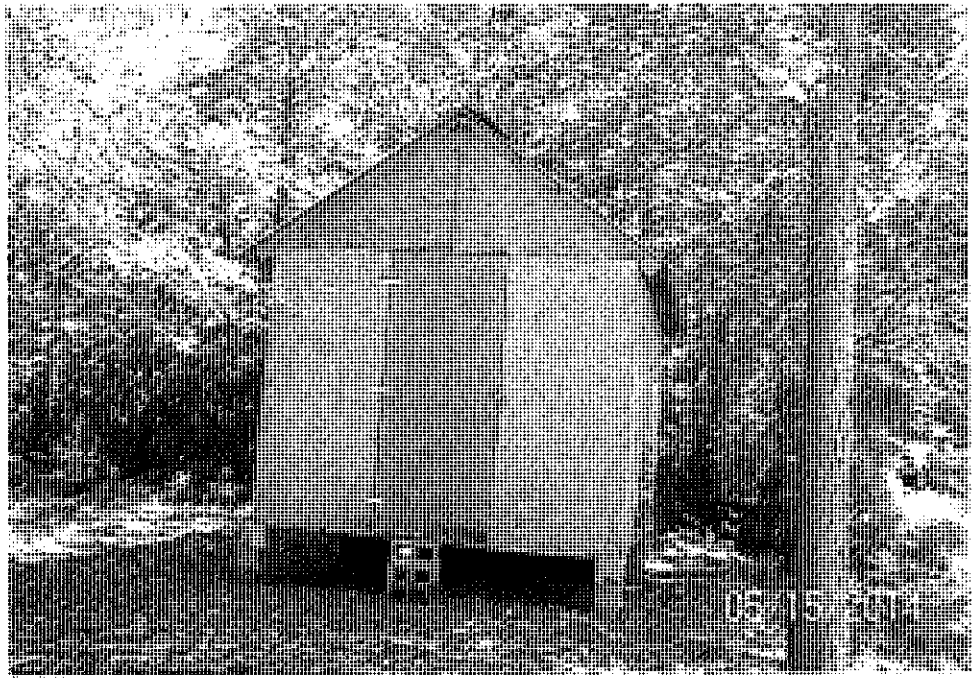

PUBLIC NOTICE

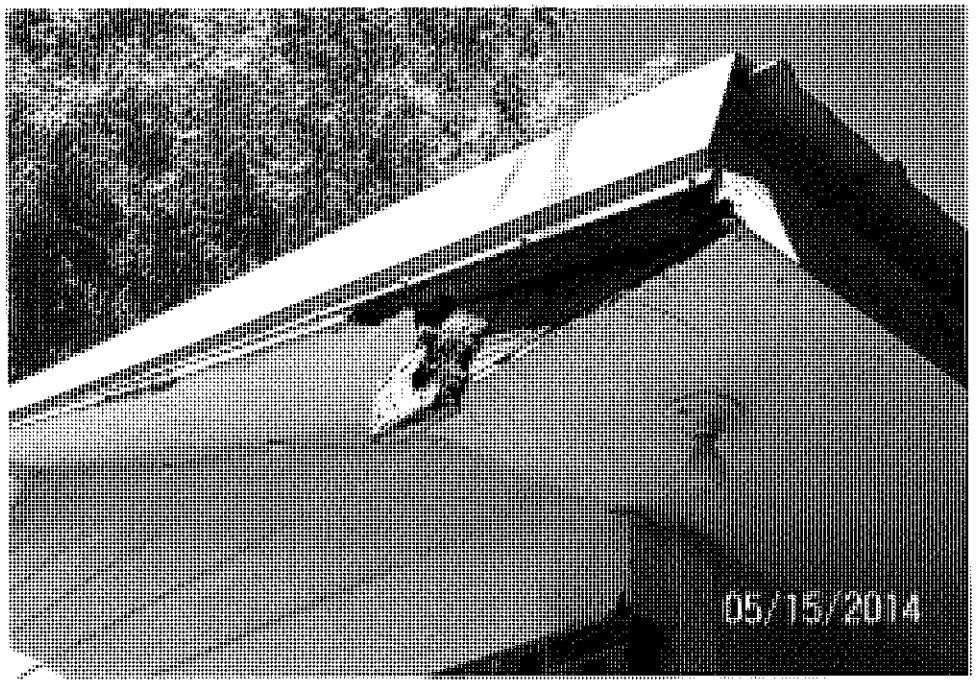




05/15/2014

05/15/2014

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