

**CITY OF GAUTIER
MEMORANDUM**

To: Samantha Abell, City Manager
From: Joseph Belles, Code Enforcement Officer
Through: Chandra Nicholson, Planning and Economic Development Director
Patty Huffman, Grants and Projects Manager
Date: July 28, 2014
Subject: Demolition of Abandoned Property
2013 South Haven Road Gautier, Mississippi 39553

REQUEST:

Pursuant to the Mississippi Codes Annotated, 1972 § Title 21, Chapter 19, Section 11, Staff requests City Council set a public hearing date for August 19, 2014, 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.

BACKGROUND:

An initial telephone complaint from a neighbor concerned with code violations was reviewed and substantiated by code enforcement in April 2008. Code enforcement started an active case file against the property. The vacant and dilapidated structure has been unoccupied for the past seven years. Letters to the owner as reflected on the Jackson County Parcel Information have been unanswered or returned with remarks from the United States Post Office, "NOT DELIVERABLE, UNABLE TO FORWARD." After considerable time code enforcement was able to locate the former owner, who has paid the taxes on what code enforcement understands was an owner-financed property. Previous letters to the former owner were unsuccessful in correcting property code and building violations. Code enforcement finally served the former owner a summons to appear in municipal court. The municipal judge after hearing comments from the former owner stating, "He was not the owner of record for the property," the municipal judge dismissed the case. The recent changes to the Mississippi Code 1972 effective July 1, 2014; now include a provision to address abandoned properties that are a menace to the public health, safety and welfare of the neighborhood.

Code enforcement has sent a total of four letters and a summons in an attempt to correct the property and building code violations at this property. Property taxes are being paid preventing the sale of this property for unpaid taxes. The former owner has not taken any legal action to the knowledge of code enforcement to establish ownership of this property. In light of problems, involving vacant and abandoned properties in other local communities, staff considers this a priority for the safety of this neighborhood.

The vacant property continues to show signs of disrepair with visible signs of decaying wood surfaces noticeable from the public right-of-way.

Property owners in the vicinity remain concerned with the visible appearance of this dilapidated property and are concerned for the health, safety and welfare of their neighborhood. Code enforcement has posted the property with a letter informing any concerned party, the property would be recommended for demolition if not in compliance by September 2, 2014.

DISCUSSION:

The primary goal has been to clean up and maintain neglected properties, pursuant to the Mississippi Codes Annotated, 1972 § Title 21, Chapter 19, Section 11. This structure has been unoccupied and abandoned the past several years.

RECOMMENDATION:

Staff recommends City Council holding a public hearing on August 19, 2014, in order to determine if the property is a menace to the public health, safety and welfare of this neighborhood.

ATTACHMENTS 9:

1. Mississippi Codes Annotated, 1972 § Title 21, Chapter 19, Section 11
2. Property tax document
3. Parcel information
4. Photos
5. Letter of violation, dated April 14, 2014
6. Letter of violation, dated June 18, 2010
7. Letter of violation, dated November 1, 2012
8. Letter of violation, dated December 4, 2012
9. Summons letter, August 1, 2013

COPY

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:

Section 1. Section 21-19-11, Mississippi Code of 1972 is amended as follows:

(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.

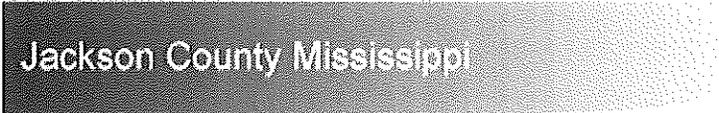
For subsequent cleaning within the one-year period after the date of the hearing at which the property or parcel of land was adjudicated in need of cleaning, upon seven (7) days' notice posted both on the property or parcel of land adjudicated in need of cleaning and at city hall or another place in 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.



The Server will be unavailable Saturday, July 26, 2014 from 11:00 P.M. CDT until Sunday July 27, 2014 at 12:00 P.M. CDT for routine maintenance.

We apologize for any inconvenience this may cause

Property Link

JACKSON COUNTY, MS

Current Date 7/23/2014 Tax Year 2013
Records Last Updated 7/22/2014

PROPERTY DETAIL
OWNER BLACKMON TYRONE I & JENNIFER D **ACRES** : **NA**
2013 SOUTH HAVEN RD **LAND VALUE** : 4510
IMPROVEMENTS : 14630
GAUTIER MS 39553 **TOTAL VALUE**: 19140
ASSESSED : 2872

PARCEL 85105896.000
ADDRESS 2013 SOUTH HAVEN

TAX INFORMATION

YEAR 2013	TAX DUE	PAID	BALANCE
COUNTY	147.53	147.53	0.00
CITY	99.20	99.20	0.00
SCHOOL	133.23	133.23	0.00
TOTAL	379.96	379.96	0.00

To Pay Online, WWW.MS1STOP.COM

LAST PAYMENT DATE 1 / 22 / 2014

MISCELLANEOUS INFORMATION

EXEMPT CODE	LEGAL
HOMESTEAD CODE None	LOT 46 COLLEGE PARK SOUTH DB 989-26 (33 Map871.01-03)
TAX DISTRICT 3840	
PPIN 067246	
SECTION 01	
TOWNSHIP 8S	
RANGE 7W	

Book **Page**

[PURCHASE COUNTY TAX SALE FILES](#)

TAX SALES HISTORY, FOR UNPAID TAXES

<u>Year</u>	<u>Sold To</u>	<u>Redeemed Date/By</u>
NO TAX SALES FOUND		

[Back](#)

Jackson County Dashboard

Powered by A

Parcel Search Tool

Features Selected: 1

Parcel Information

PIDN: 85105896.000

GISP: 871.01-03-0033.00

Owner Information

Name: BLACKMON TYRONE I & JENNIFER D Percent of Ownership: 100

Name2:

Mailing Address: 2013 SOUTH HAVEN RD Physical Address: 2013 SOUTH HAVEN RD GAUTIER
GAUTIER MS 39553

Land Information

Section, Township, Range: 01 8S 7W Acreage: .00

Street Name: SOUTH HAVEN RD

Value and Tax Information

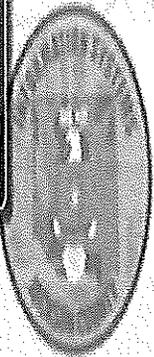
Total Assessed Value: 2872 Total Appraised Value: 19140

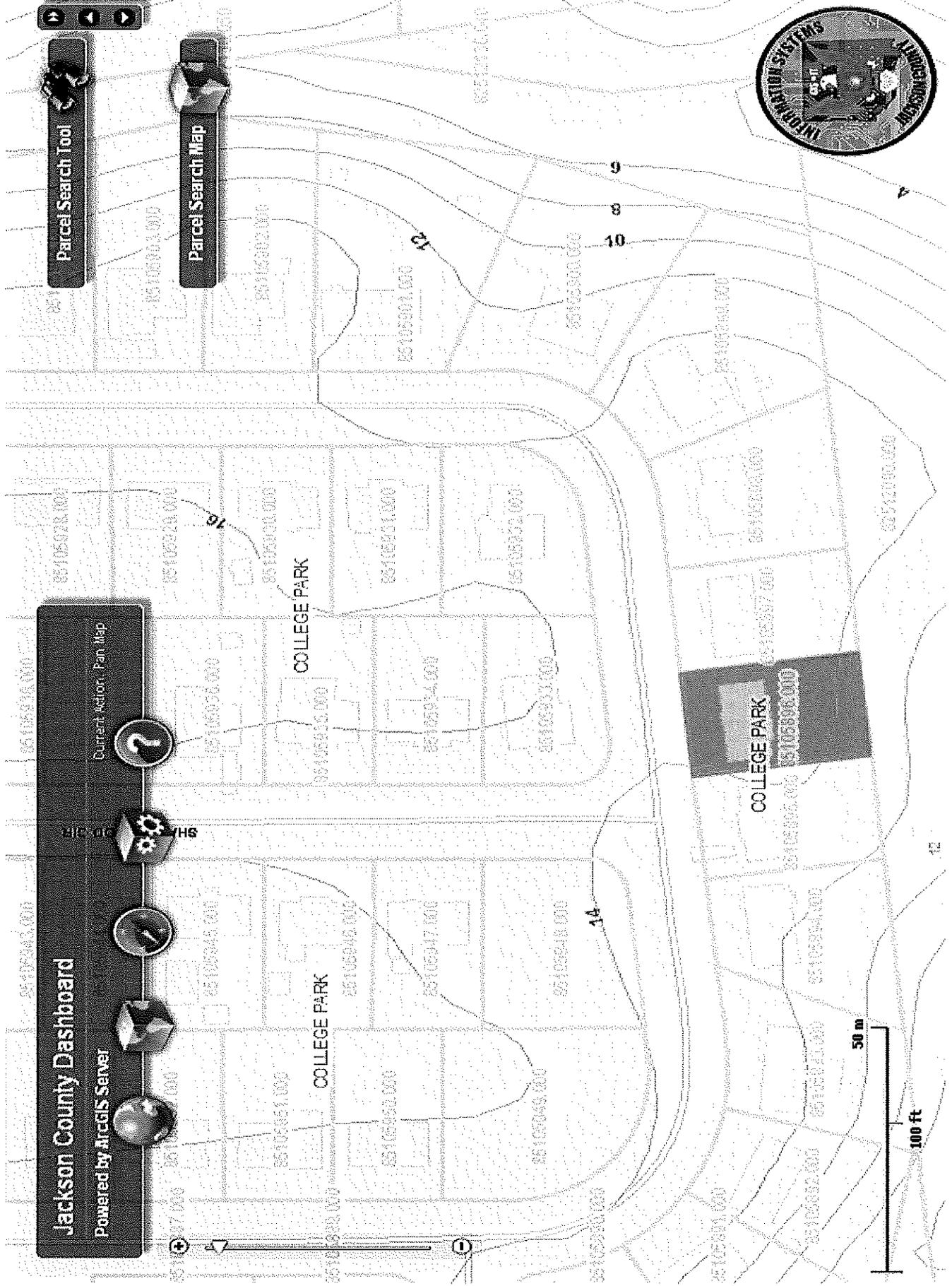
Improvement Value: 14630 Land Value: 4510

Tax Amount: 379 SQ. FT: 1326 Year Built: 1970

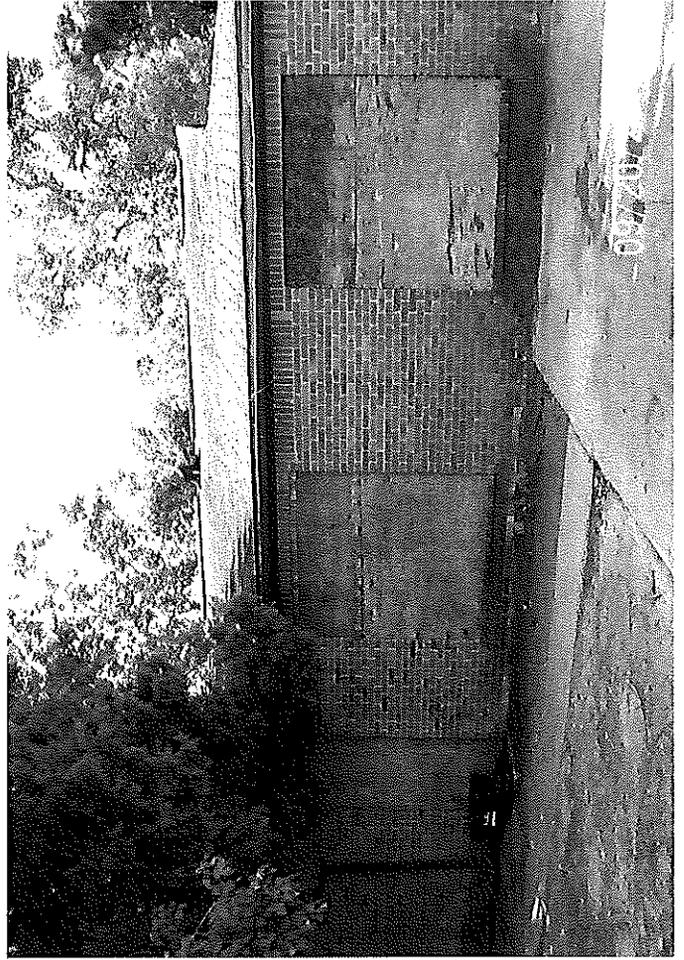
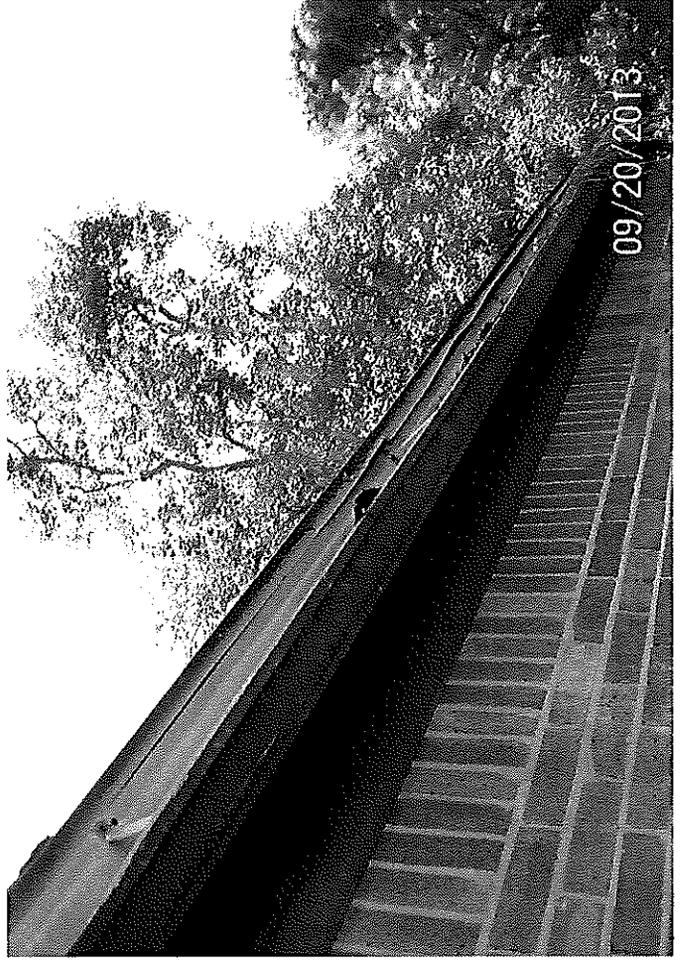
Legal Description

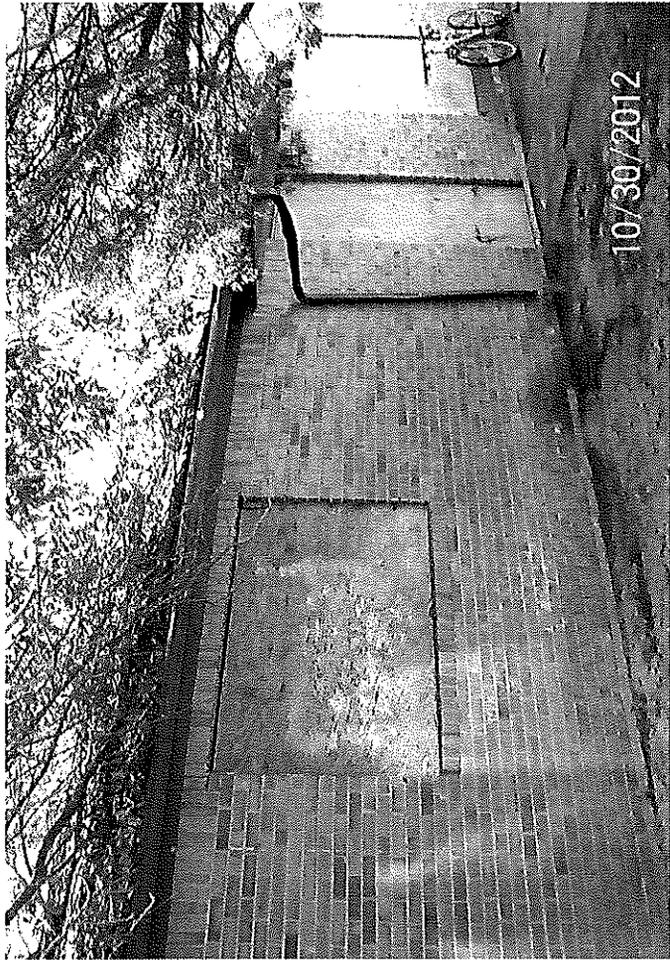
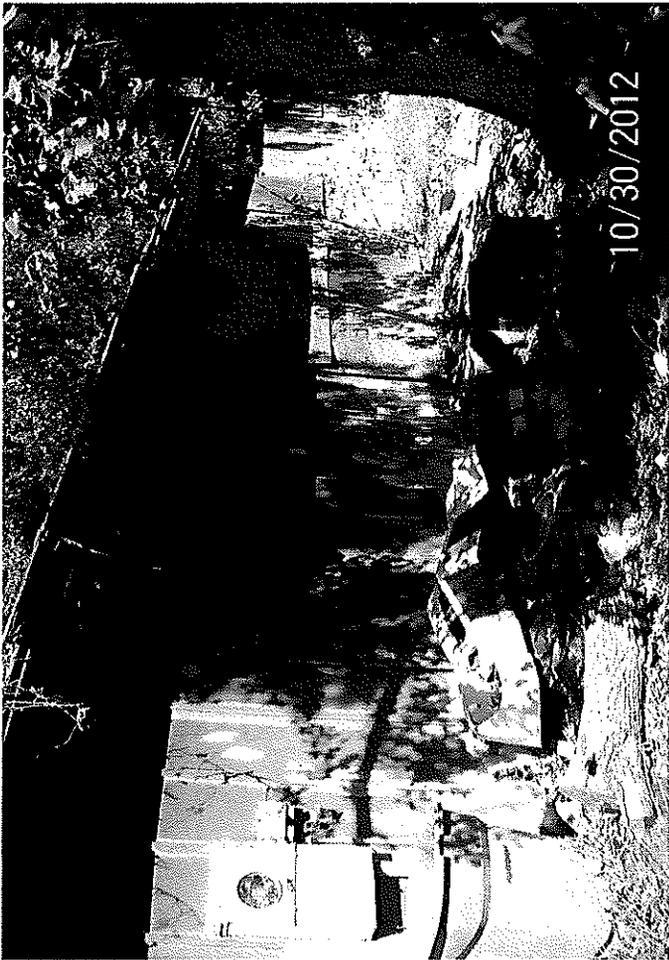
Description: LOT 46 COLLEGE PARK SOUTH DB 989-26 (33 Map871.01-03)

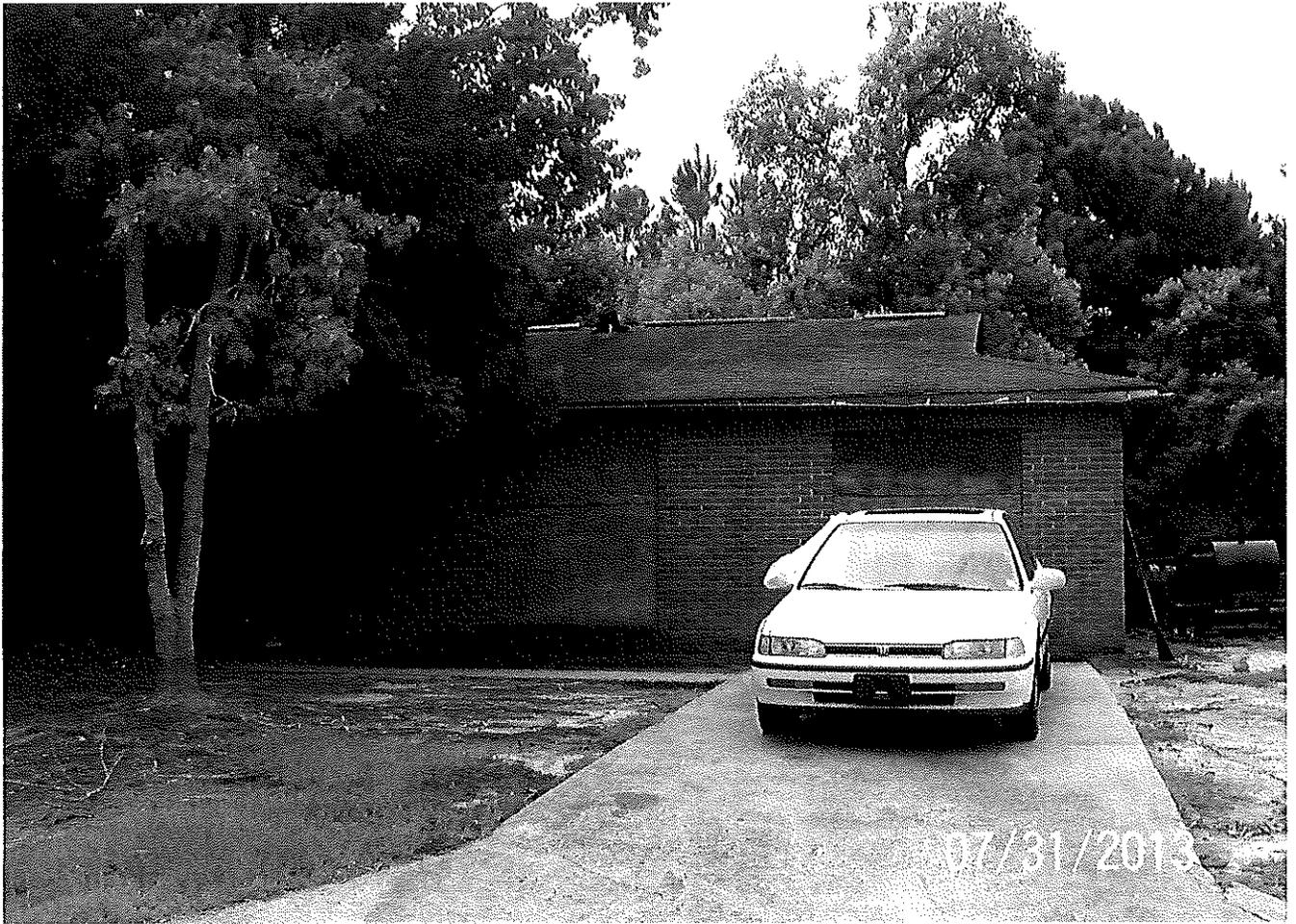












April 14, 2008

Tyrone & Jennifer Blackmon
2013 South Haven Road
Gautier, Mississippi 39553

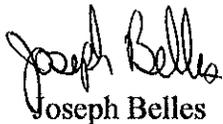
Reference: 2013 South Haven Road, Gautier, Mississippi 39553

Mr. & Ms. Blackmon,

On April 14, 2008, a Code Enforcement Officer for the City of Gautier while patrolling College Park Sub-Division detected a couple of code of ordinance violations at 2013 South Haven Road, Gautier, Mississippi. There are two possible non-operational vehicles parked in the front yard and driveway prohibited by the City of Gautier, Code of Ordinances. Additionally, there have been several complaints about a home occupation (automotive repair shop) being operated at this address at times blocking the roadway and increasing vehicular traffic in this area. The property will be re-inspected by April 23, 2008 for compliance. At this time, we would like to discuss the property concerns observed at this location to maintain an amicable appearance with other properties 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 10 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

Mayor
Tommy Fontenlevy

City of Gautier
Gautier, Mississippi

City Manager
Sidney M. Runnels

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

City Clerk
Adrienne Howell



3330 Highway 90
Gautier, MS 39553
1-228-497-8000 phone
1-228-497-8028 fax
Email: gautier@gautier-ms.gou

June 18, 2010

COPY

Michael M. Dickerson
PO Box 1482
Pascagoula, Mississippi 39568

mailed 6-18-10
JB

Reference: 1716 Riverside Drive Gautier, Mississippi 39553
2013 South Haven Gautier, Mississippi 39553

Mr. Dickerson,

The two properties referenced above remain in violation of the City's Care of Property and Premises Codes on a repeated basis. The Riverside property is overgrown and scattered with trash and debris. The neighbor across the street has removed his vehicle from your property. The property at 2013 South Haven has turned into a vehicle repair facility. There were approximately ten vehicles parked in the yard when I drove by this property yesterday. I am requesting you take immediate action to bring both properties to within code requirements within the next fourteen (14) days or notify the code enforcement office if you cannot meet this deadline.

You can contact the City of Gautier, Code Enforcement Office, Monday – Friday, 8:00 AM - 5:00 PM at (228) 497-8802. I will be happy to assist you with any questions that you may have. We gratefully appreciate your cooperation in this matter.

Sincerely,

Joseph Belles
Code Enforcement Officer

Cc: File

Mayor
Tommy Fontenberry

City of Gautier

Gautier, Mississippi

City Manager
Samantha D. Abell

City Clerk
Wendy S. McClain

Council
At Large Mary Martin
Ward 1 Johnny Jones
Ward 2 Hurley Ray Guillotte
Ward 3 Gordon F. Gollott
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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

November 1, 2012

Michael M Dickinson
PO Box 1482
Pascagoula, Mississippi 39568

COPY

mailed 11-01-12
JB

Reference: 2013 South Haven Gautier, Mississippi 39553

Mr. Dickinson,

This property referenced above is in violation of the City of Gautier, minimum property maintenance and appearance standards. This letter will serve as code enforcements initial notice of violation and you have thirty days to bring this home into compliance with International Building Code requirements and the City of Gautier, Unified Development Ordinance. The home is in a serious state of disrepair with decaying wood, other visible structural damage, several non-operational vehicles and automotive parts scattered around the yard. Code enforcement suggests 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 home in disrepair by December 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 or cell number (228) 219-7035. Code Enforcement will be happy to assist you with any questions that you may have.

Sincerely,


Joseph Belles
Code Enforcement Officer

Mayor
Tommy Fortenberry

City of Gautier

Gautier, Mississippi

City Manager
Samantha D. Abell

Council

At Large Mary Martin
Ward 1 Johnny Jones
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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

December 4, 2012

Michael M Dickinson
PO Box 1123
Ocean Springs, Mississippi 39568

COPY

mailed 12-04-12
JB

Reference: 2013 SOUTH HAVEN, Gautier, Mississippi 39553

Mr. Dickinson,

This property referenced above is in violation of the City of Gautier, minimum property maintenance and appearance standards. This letter will serve as code enforcements second notice of violation and you have thirty days to bring this home into compliance with International Building Code requirements and the City of Gautier, Unified Development Ordinance. The home is in a serious state of disrepair with decaying wood, roof damage and a non-operational vehicle in the front the yard. Code enforcement suggests 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:

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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 home in disrepair by January 7, 2013. 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. Code enforcement will issue a summons to appear in municipal court if repairs are not completed by January 7, 2013. You may contact the City of Gautier, Code Enforcement Office, Monday – Thursday, 8:00 AM - 5:00 PM at (228) 497-8802 or cell number (228) 219-7035. Code Enforcement will be happy to assist you with any questions that you may have.

Sincerely,


Joseph Belles
Code Enforcement Officer

Mayor
Gordon T Gallatt

City of Gautier
Gautier, Mississippi

City Manager
Samantha D. Abell

City Clerk
Cindy Russell

Council
At Large Mary F. Martin
Ward 1 Johnny Jones
Ward 2 Hurley Ray Guillotte
Ward 3 Casey Vaughn
Ward 4 Charles R. Anderson
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

August 1, 2013

Michael M Dickinson
PO Box 1123
Ocean Springs, Mississippi 39568

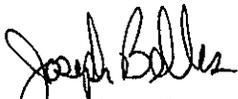
Reference: 2130 Woodside Drive, 1716 Riverside Drive, 5608 New Castle Drive
2013 South Haven Road Gautier, Mississippi 39553

Mr. Dickinson,

The four properties referenced above remain in a state of disrepair and do not meet building code standards and the City of Gautier, Unified Development Ordinance guidance. The four properties are a blight to these neighborhoods and must be repaired to acceptable code standards, relocated out of the city limits or demolished. Several previous letters and numerous discussions concerning these four structures have identified property maintenance violations that required appropriate repairs. Code Enforcements last letter requested you finish correcting the violations identified and maintain the property within property code requirements so no other action would be necessary.

You are hereby summoned to appear in City of Gautier, Municipal Court on August 26, 2013, 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

COPY

Mailed 8-02-13
JB