

**AN ORDINANCE AMENDING THE PROPERTY MAINTENANCE CODE  
OF THE CITY OF VERONA, MISSISSIPPI**

**WHEREAS**, the Mayor and Board of Alderman of the City of Verona, Mississippi having been given the authority under Section 21-19-11 of the Mississippi Code of 1972, annotated, as amended, to allow for a municipality to clean private property after due notice is served, and for the cost of the same to serve as a lien against the property; and

**WHEREAS**, the Mayor and Board of Alderman of the City of Verona, Mississippi having been given the authority under Section 21-19-20 of the Mississippi Code of 1972, annotated, as amended, to allow for a municipality to demolish abandoned structures after due notice is served, and for the cost of the same to serve as a lien against the property; and

**WHEREAS**, there are a number of standard model codes dealing with the general public health, safety or welfare and the Mayor and Board of Alderman of the City of Verona, Mississippi do find that the health, safety and general welfare of its citizens would best be served by the adoption of said code,

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF VERONA THAT:**

**SECTION 1. TITLE.**

This ordinance shall be known and referred to as the “Property Maintenance Ordinance”, as periodically amended, and may be so cited.

**SECTION 2. PURPOSE.**

The purpose of this ordinance is to preserve and promote the public health, safety and welfare of the citizens of the City of Verona.

**SECTION 3. THE INTERNATIONAL PROPERTY MAINTENANCE CODE.**

That a certain document, one (1) copy of which is on file in the office of the Clerk of the City of Verona, being marked The **International Property Maintenance Code**, 2003 Edition, as published by the International Code Council, be and is hereby adopted for regulating and governing the conditions and maintenance of all external property; by providing the standards for sanitation and maintenance and other physical things and conditions essential to ensure that property is safe, sanitary and fit for human use; and each and all of the regulations, provisions, penalties, conditions and terms of said “Property Maintenance Ordinance” on file in the office of the City of Verona are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, deletions, insertions and changes, prescribed as follows:

**Section 100.** is hereby repealed.

**Section 202.** Insert a definition of “Junk”:

**Junk:** Includes the following: all appliances or parts thereof; all parts of motor vehicles; tires; all iron or other metal; plastics; glass; paper; cardboard; rubber; lumber; wood; brush; mattresses; disabled trailers or parts thereof; and all other waste or discarded material, all of which are discarded, unusable, broken, or have not been used for their primary and original purpose for a period of six months, with no other value than scrap.

**Section 302.4.** Insert: “twelve (12) inches”

**Section 302.10.** Shall be amended to read as follows:

**302.10. Outdoor Display and Storage.** The outdoor display and/or storage of materials, products or junk not being for sale is prohibited in the City of Verona.

Permanent outdoor display of materials and products for sale is permitted on non-residentially zoned properties only. Permanent outside storage/display shall be permitted provided such display is located within a permanently defined sales area. The sales area must be located at the rear yard of the building, or in an adjacent yard area not abutting the primary street or building entry. The defined outdoor sales area must not exceed fifty percent (50%) of the enclosed floor area of the principal building it is adjacent or attached to.

**EXCEPTION:** Furniture and appliances, maintained and in good repair, specifically designed and approved for outdoor use, including, but not limited to, patio furniture and barbeque grills, may be located in exterior property areas.

Nothing in this section shall prohibit the display of products specifically allowed as a permitted or approved conditional use such as dictated by the City of Verona Zoning Ordinance. This includes, but is not limited to, the sale of automobiles and recreational vehicles and periodic yard sales.

Insert Section 302.11. to read as follows:

**302.11 Junkyards, Recycling and Salvage Operations.** Except as provided for in other regulations, within ninety (90) days from the effective date of this ordinance, all existing junkyards, recycling and salvage operations, vehicle salvage yards, vehicle repair shops, wrecker services where junk or wrecked vehicles are stored, and similar operations shall be screened from view from the public right-of-way and adjacent properties in a manner approved by the code official. All new junkyards, recycling and salvage operations, vehicle salvage yards, vehicle repair shops, wrecker services, and similar operations shall be provided with approved screening prior to obtaining a privilege license.

## SECTION 4 ENFORCEMENT

**4.1 Designation of Enforcement Authority.** The Chief of Police is hereby designated as the administrator (hereinafter referred to as the Code Official) of this ordinance.

**4.2 Deputies.** In accordance with the prescribed procedures of the jurisdiction and with the concurrence of the appointing authority, the Code Official shall have the authority to appoint a code enforcement officer, related technical officers, inspectors, and other employees. Such employees shall have powers as delegated by the Code Official.

**4.3 Powers of the Code Official.** The Code Official shall have such powers as are necessary and convenient to carry out and effectuate the purposes and provisions of this ordinance, without limitation, and those powers authorized by law.

## SECTION 5 NOTICES AND ORDERS

**5.1 Notice to person responsible.** Whenever the Code Official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in this Section to the person responsible for the violation(s) as specified in this Ordinance and its referenced Codes.

**5.2 Form.** Such notice prescribed in Section 5.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a statement of the violation(s).
3. Contain a notice that a hearing will be held at a place therein fixed not less than ten (10) days or more than thirty (30) days after the serving of said notice, unless the property is a repeat violation as described in Section 6.4 of this ordinance.
4. Specify that the owner and parties in interest shall have the right to file an answer to the notice and to appear in person, or otherwise, and give testimony at the time and place fixed in the notice.

**5.3 Method of service.** Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally, pursuant to Section 5.3.1;
2. Sent by registered or certified mail to the last known address; or
3. If the property owner is unknown, or their address is unknown, a copy thereof shall be published twice each week for a minimum of two (2) weeks prior to the hearing in a newspaper of general circulation in the municipality.

**5.3.1 Personal delivery of notice.** Any notice personally delivered shall be accomplished by a police officer or by any person over the age of eighteen (18) years. The police officer or process server shall deliver the notice or order personally or shall leave a true copy at the usual place of abode within the municipality with a member of the family above the age of sixteen (16) years who is willing to receive a true copy thereof. The police officer or process server shall file with the Code Official a return attesting to the date and circumstances of the service.

**5.4 Hearing.** The Code Official shall conduct a hearing for the purpose of determining if the parcel of land or structure in question is unsafe for human habitation, use or occupancy, inimical to the welfare and dangerous and injurious to the public health, safety and morals, or otherwise in violation of this code, and, that a public necessity exists for the abatement, repair or elimination of said violation or structure. The owner and parties in interest shall have the right to appear in person, or otherwise to give testimony. The rules of evidence prevailing in courts of law and equity shall not be controlling in hearings before the Code Official.

**5.5 Transfer of ownership.** It shall be unlawful for the owner of any dwelling unit or structure who has received a notice of violation to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the notice of violation has been complied with, or until such owner shall first have furnished to the grantee, transferee, mortgagee, or leasee a true copy of any such notice or order, as issued. The owner shall also furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee, or leasee, acknowledging the receipt of such orders or notices of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such orders or notices of violation.

**5.6 Waiver of proceedings.** The owner, upon receipt of the notice of violation and order to show cause, or at anytime thereafter, may waive, in writing, further notice, opportunity for hearing, findings of fact, issuance and service of an order, judicial review of such order, and may consent that the property be cleaned or otherwise made safe and the cost thereof be charged against the property. Upon receipt of such consent and waiver, the municipality may have the property cleaned, or otherwise made safe, and the costs charged against the property shall be collected in the same manner as provided for in this Ordinance.

## **SECTION 6. CLEANING OF PROPERTY.**

**6.1 Order.** When property is found by the Code Official, after the consideration of evidence at the hearing, to be in violation of the *2003 International Property Maintenance Code*, as amended

from time to time, he shall state in writing the findings of fact in support of said determination and shall issue and cause to be served upon the owner thereof an order requiring said owner to make such cleaning or other work as necessary to remove the violation(s) on the property. Such order shall specify a reasonable amount of time in which such work shall commence, and shall further specify the reasonable amount of time the work shall be completed. A copy of the order shall be sent by regular mail to any lessee, mortgagee, or other party with an interest in the property; however, failure to provide a copy of the order by mail shall not invalidate this order.

**6.2 Failure to comply with an order to clean property.** If the owner fails to repair, clean or perform other work as required by an order issued through Section 6.1, in the time prescribed, the Code Official may petition the Board of Aldermen, at their next regular meeting, to adopt a resolution, adjudicating the property in its then condition to be a menace to the public health and safety of the community, and the municipality may proceed to clean the property, by the use of municipal employees or by contract.

**6.3 Assessment of Cost.** The cost to the municipality for the cleaning of property to bring compliance with this ordinance, in addition to a penalty in the amount of the greater of One Thousand Five hundred dollars (\$1,500.00) or fifty percent (50%) of such actual cost shall be a lien against such real estate, and assessed or collected as a special tax. The cost assessed against the property means 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.

**6.4 Repeat violations.** If it is determined by the Code Official that it is necessary for the municipality to clean a parcel of land more than once within a calendar year, then the municipality may clean such property provided notice to the property owner is given by United States regular mail to the last known address at least ten (10) days before cleaning the property. The Code Official shall assess the costs, including penalties as provided for in Section 6.3 for each time the municipality cleans the property.

**6.5 Limitation.** Action authorized in Sections 6.1 through 6.4 shall not be undertaken against any one (1) parcel of land more than six (6) times in any one (1) calendar year, and the expense of cleaning of said 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.

## **SECTION 7. MEANS OF APPEAL.**

**7.1 Application for appeal.** Any person directly affected by a decision of the Code Official or a notice or order issued under this Ordinance shall have the right to appeal to the Board of Aldermen, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this ordinance or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this ordinance do not fully apply, or the requirements of this ordinance are adequately satisfied by other means.

**7.2 Board decision.** The Board of Aldermen shall modify or reverse the decision of the Code Official only by a concurring vote of a majority of the Board of Aldermen.

**7.3 Court review.** Any person, whether or not a previous party of the appeal, shall have the right to appeal the decision of the Board of Aldermen and apply to the appropriate Circuit Court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the governing authority.

**7.4 Stays of enforcement.** Appeals of notice and orders shall stay the enforcement of the notice and order until appeal is heard by the Board of Aldermen. Stays of Enforcement pending appeals to the Circuit Court shall be as prescribed by law.

**SECTION 8. VIOLATIONS.**

It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this ordinance, and shall be subject to fines and penalties as prescribed in this Ordinance.

**SECTION 9. PENALTIES FOR VIOLATIONS.**

Any violation of a provision of this ordinance, or failure to comply therewith, or with any of the requirements thereof, shall constitute a misdemeanor, and the violator may be fined up to five-hundred dollars (\$500) or sentenced up to thirty (30) days imprisonment or both, for such offence, in the discretion of the court. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**SECTION 10. REPEALER CLAUSE.**

That the Ordinances entitled the “Property Maintenance Standards Ordinance” and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 11. SEVERABILITY.**

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Aldermen hereby declares that it would have passed the ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**SECTION 12. CONFLICT.**

That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**SECTION 13. APPLICABILITY.**

That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect thirty (30) days after its final passage and adoption.

The foregoing Ordinances having first been reduced to writing was read and considered by Sections, Alderman \_\_\_\_\_ made the motion and Alderman \_\_\_\_\_ seconded the motion for its adoption. The Mayor put the question to a roll call vote and the result was as follows:

Alderman _____	_____

**WHEREUPON**, said Ordinance was put to a vote upon its final passage as a whole and the same was passed as read, with result as follows:

Alderman \_\_\_\_\_  
Alderman \_\_\_\_\_  
Alderman \_\_\_\_\_  
Alderman \_\_\_\_\_  
Alderman \_\_\_\_\_

The motion having received the affirmative vote of a majority of the members present, the Mayor declared the motion carried and the Ordinance adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

APPROVED:

\_\_\_\_\_  
MAYOR, BOBBY WILLIAMS

ATTEST:

\_\_\_\_\_  
MUNICIPAL CLERK, NITA WESTBROOK