

**AMENDED ORDINANCE OF THE TOWN OF WALNUT, MISSISSIPPI, ESTABLISHING  
REGULATIONS FOR THE CLEANING AND UPKEEP OF PRIVATE PROPERTY WITHIN THE  
MUNICIPALITY DETERMINED TO BE A MENACE TO THOSE IN THE  
MUNICIPALITY COMMUNITY AND FOR RELATED PURPOSES**

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMAN OF THE TOWN OF WALNUT, MISSISSIPPI, AS FOLLOWS:

**SECTION ONE**

The Town of Walnut, Mississippi, does hereby amend its Ordinance for the regulation of the cleaning and upkeep of private property within the Municipality, and provides that all owners of private property within the Municipality shall keep and maintain their property in a clean and orderly appearance, so as not to be deemed in such a state of uncleanness as to a menace to the public health and safety of the community.

**SECTION TWO**

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 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 re-enter 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 therefrom. 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 municipality's adjudication as authorized in this subsection (1) a municipality may re-enter the property or parcel of land to maintain cleanliness without the 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 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 maybe enrolled in the office of the circuit clerk of the county as other judgements 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 otherwise 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.

This Ordinance is adopted pursuant to the authorities of Section 21-19-1 of the Mississippi Code of 1972, as supplemented, and in compliance with Section 21-19-11 of the Mississippi Code of 1972, as amended.

This Ordinance shall become effective upon publication and after one (1) month from the date of passage.

The Town Clerk is instructed to publish this ordinance one time in the Southern Sentinel and to obtain proof of publication thereof and record this ordinance in the ordinance book.

### **SECTION THREE**

Alderman **Winter** then moved for the adoption of the above and foregoing ordinance; his motion was duly seconded by Alderman **Pulliam**; with the vote by the full Board of Alderman of the Town of Walnut, Mississippi, being, as follows:

Alderman **James** voted "Aye".

Alderman **Nabors** voted "Aye".

Alderman **Pulliam** voted "Aye".

Alderman **Winter** voted "Aye".

Alderman **Wyse** voted "Aye".

Voting "Nay", none.

Now, THEREFORE, upon the unanimous vote of the Aldermen of The Town of Walnut, Mississippi, this Ordinance was adopted on this the 7<sup>th</sup> day of **October, 2014**.

TOWN OF WALNUT, MISSISSIPPI

BY: \_\_\_\_\_  
VICKI SKINNER, MAYOR

ATTEST:

\_\_\_\_\_  
DANA HOPKINS, CITY CLERK