

Ordinance 2015 -
May 5, 2015

**ORDINANCE DELETING CERTAIN SECTIONS RELATING TO
NEIGHBORHOOD CODE ENFORCEMENT, CODE OF ORDINANCES OF THE
CITY OF OXFORD, MISSISSIPPI**

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY
OF OXFORD, MISSISSIPPI AS FOLLOWS:

SECTION I.

1. DELETE SECTION 34-1 WEEDS PROHIBITED

(a) *Prohibited conditions.* It shall be unlawful for any person owning or occupying any lot, parcel or property abutting, or within 200 feet of any public street within the city to permit weeds, grass, brush or other undesirable vegetation to grow to a height in excess of 12 inches. The health officer may initiate the inspection of the property in violation or any person owning or occupying property within 300 feet of such lot within the same platted subdivision containing such lot, parcel, or property may give notice to the health officer of the city that such property is in violation of this section. Upon receipt of such notice, the health officer shall inspect the property and determine whether or not such property is in violation of this section. In the event the health officer determines that such property is in violation of the section, he shall give written notice, by mail to the owner or occupant of such property that said property is in violation of this section. Upon receipt of such notice, the owner or occupant of such property shall, within ten days, cause such weeds, grass, brush or other undesirable vegetation to be removed from the property for a minimum distance of 200 feet from the abutting or nearest street, and shall maintain the property as required by this section.

(b) *Adjudication of uncleanliness.* To determine whether property or parcel of land within a municipality is in such a state of uncleanliness as to be a menace to the public health, safety and welfare of the community, the board of aldermen shall conduct a hearing, on its own motion or upon the receipt of a petition signed by the majority of the residents within 300 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:

- (1) United States mail two 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
- (2) Posting notice for at least two 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.

(c) *Notice to owner; hearing abatement; costs adjudicated.* 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 year after the hearing without any further hearing if notice is posted on the property or parcel and at city hall at least seven 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 mayor and board of aldermen shall, in its resolution, adjudicate such parcel of land in its then condition to be a menace to the public health and safety of the community, the mayor and board of aldermen, shall, if the owner does not do so himself, proceed to clean the land, by the use of municipal employees or by contract, by cutting weeds; removing rubbish, dilapidated fences, dilapidated buildings and other debris; and draining cesspools and standing water therefrom. Thereafter, the mayor and board of aldermen may by resolution adjudicate the actual cost of cleaning the property and may also impose a penalty not to exceed \$1,500.00 or 50 percent 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 of any contract executed by the municipality to have the work done, and administrative costs and legal cost of the municipality.

For subsequent cleaning within 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 days notice posted both on the property or parcel of land adjudicated in need of cleaning and at city hall as authorized in subsection (b) a municipality may reenter the property or parcel of land to maintain cleanliness without further notice or hearing no more than six times in any 12-month period with respect to removing dilapidated buildings, dilapidated fences and no more than 12 times in any 24-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 the property shall not exceed an aggregate amount of \$20,000.00 per year or fair market value of the property subsequent to cleaning, whichever is less. The city may assess the same penalty for each time the property or land is cleared as otherwise provided this section.

(d) *Civil debt; institution of suit.* If the board of aldermen declares by resolution, that the cost and any penalty shall be collected as a civil debt, the board of aldermen 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 the property was cleaned.

(e) *Lien; assessment enrolled.* If the board of aldermen does not declare that the cost and any penalty shall be collected as a civil debt, then the assessment provided for in subsection (c) of this section shall be a lien against the property and may be enrolled in

the office of the circuit clerk of the court as other judgments are enrolled, and the tax collector of the city shall, upon order of the board of aldermen, proceed to sell the land to satisfy the lien as now provided by law for the sale of lands for delinquent municipal taxes.

(Ord. No. 2009-11, § 1, 11-3-2009; Ord. No. 2011-6, § 1, 8-2-2011)

2. DELETE SECTION 94 - 52 CONTAINERS

Garbage cans. It shall be the duty of every owner, occupant, or lessee of every residential building or structure in the city to provide a sufficient number of containers ("garbage cans") of metal or other material as may be approved by the city of not more than 30 gallons' capacity in which garbage, refuse or trash may be accumulated. All garbage must be bagged and placed in garbage cans. Such cans shall be equipped with a tight-fitting cover with handles or bails to facilitate the handling thereof. At the day and time designated for garbage collection, such garbage cans shall be placed on the premises of such owner, occupant, or lessee at a point most accessible for collection. All refuse capable of holding water must be drained before being deposited in garbage cans. All garbage cans shall be placed at the designated collection area or street no sooner than 24 hours before the regular time of collection and all garbage cans or containers must be removed from the front yard no later than 24 hours after collection. It is unlawful for garbage cans to be at the curb outside of these hours. Violations of this section may be punished in accordance with [section 1-8](#)

(b) *Curbside bins.* Should a property owner have a bin or other permanent or semi-permanent structure (a "curbside bin") located at the designated collection area for placement of garbage cans, it must be designed in a manner that enables city solid waste department workers to remove and replace garbage cans facilely and without risk of injury. It is unlawful to maintain a curbside bin in any manner that is unsafe, unsanitary, or unsightly, and it is, furthermore, unlawful to allow garbage or refuse to accumulate in or around a curbside bin. Violations of this section may be punished in accordance with [section 1-8](#). If a curbside bin is not properly designed or if it is not maintained in a safe and sanitary manner, the superintendent solid waste department may, at his sole discretion and in lieu of or in addition to any penalties available under [section 1-8](#), require that the bin be removed and/or modified.

3. DELETE SECTION 94 -3 LITTERING PROHIBITED

(a) It shall be unlawful for any person to throw, drop, cast or deposit upon any street, alley, walk, or any yard or premises, public or private, any filth of any kind, or cans, paper, trash, banners, rubbish, bottles, or any other form of litter or waste matter.

(b) It shall also be unlawful for the owner(s) of any property, or the lessee(s) of any property of the city, to allow trash or litter to accumulate upon the property so owned or leased.

(Code 1968, § 12-3; Ord. No. 2008-5, § 1, 5-20-2008)

4. DELETE CHAPTER 50 HEALTH AND SANITATION ARTICLE III – ABATEMENT, CORRECTION OF UNSANITARY PREMISIS

Any premises, grounds anywhere in the city, occupied or unoccupied, being by reason of any kind of filth or stagnant water accumulating thereon, or from any other cause, in an unsanitary condition to such an extent as is calculated to endanger the life or health of the citizens, or of the neighborhood in which the same may be, or calculated to produce or aggravate sickness or disease, or to such an extent as to be offensive to the sight or smell of persons residing or being in the neighborhood, is hereby declared to be a nuisance, subject to be dealt with as hereinafter provided. (*Code 1968, § 13-30*)

(a) The owner, occupant or lessee of such premises, or grounds, kept or permitted to remain in condition set out in the provisions of this article, who may be responsible therefor, shall, upon written notice served upon him or his agent, if he be a nonresident, by the health officer, be required to place said premises in a good, sanitary condition within such reasonable time as may be designated in said notice. Any person failing to comply with said notice shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in section 1-8, and said judgment may order and direct the city to abate said nuisance in the manner hereinafter provided. (*Code 1968, § 13-31*)

(b) If the condition of any premises or grounds in the city be in such condition, as in the opinion of the health officer demands urgent action to abate or remove said condition as a nuisance under the provisions of this article, then on proper complaint made by such officer against the owner, occupant or lessee of such premises, the question of existence of said nuisance and the demand for its immediate abatement shall be duly tried and determined by the police court without the prior notice for removal. If upon trial thereof, the defendant be found guilty, the court shall impose a penalty as provided for in section 1-8. (*Code 1968, § 13-32*)

(c) The notice required above may be in the following or a similar form, care being taken to designate the premises with reasonable and sufficient certainty:

Oxford, Mississippi

To _____/_____/_____,
_____/_____/_____, 20_____.

You are hereby notified and required to abate a nuisance on your premises, No. _____ Street (or Avenue, as the case may be) occupied by _____ in this city, caused by _____, _____. This you will do at your own expense. If the said nuisance is not abated within _____ hours (or days, if a number of days be given) from the service of this notice, I will proceed as the law directs.

Respectfully,

Health Officer (*Code 1968, § 13-33*)

(d) The city health officer in executing the order of abatement provided for above, shall be empowered to call upon the mayor and his force to carry out such order, or if for any reason it be necessary, he may employ another person or persons to do the whole or part of the work ordered, and the cost thereof shall be paid by the city and made a charge

against such owner, occupant or lessee and a lien upon the said property and collection be enforced by suit in proper court therefor. (*Code 1968, § 13-34*)

5. DELETE SECTION 74 -10 TRANSPORTATION CONTAINERS

(a) The board of aldermen, having considered the safety of city streets, congestion, potential for noxious odors, light, glare, noise, and the aesthetic value of our mixed use neighborhood, declares junked, stored, or stockpiled vehicles or containers used in the transportation of goods to be a blight and a nuisance. The following are prohibited:

(1) Junking, storing or stockpiling of vehicles, or containers, is prohibited within the city (examples of transport vehicles or containers include, but are not limited to trailers, truck bodies, semitrailers, railroad cars, vans, and rolling stock);

(2) No transport vehicle or container will be left unattended within the city limits for more than 24 hours.

6. DELETE SECTION 102 – 525 PARKING OF LARGE EQUIPMENT

(a) For purposes of these regulations, "large equipment" is defined as including, but is not limited to, boats and boat trailers, travel trailers, pickup campers or coaches (when not mounted on an automotive vehicle), storage trailers, motorized dwellings, tent trailers, utility trailers and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

(b) No large equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building or behind the nearest portion of a building to a street; provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed 24 hours during loading or unloading. At no time shall any large equipment obstruct any street, alley or sidewalk in the city in any way.

(c) No large equipment, as defined in subsection (a) of this section, shall be parked anywhere on city streets, including but not limited to city parking spaces, for a period in excess of 24 hours.

(d) No such equipment or shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use. (*Ord. No. 2006-24, § 1, 11-6-2006*)

7. DELETE SECTION 102 – 489 IN EXCESS OF 72 HOURS

It shall be unlawful for any person to park any vehicle upon any street within the city for a continuous period of time in excess of 72 hours. (*Code 1968, § 28-274*)

8. DELETE SECTION 102-521 PROXIMITY TO CURB

Except as otherwise provided in this article, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within 12 inches of the right-hand curb on roadways that allow traffic in two directions, and every vehicle shall be so stopped or parked with the flow of traffic and in the same direction with the wheels of such vehicle parallel to and within 12 inches of the proper curb on roadways that allow traffic in one direction. (*Code 1968, § 28-286; Ord. No. 1991-2, § 1, 3-19-1991*)

9. DELETE SECTION 102 – 485 #1 PARKING FOR CERTAIN PURPOSES PROHIBITED

No person shall park a vehicle upon any roadway for the principal purpose of displaying such vehicle for sale. (*Code 1968, § 28-270*)

10. DELETE CHAPTER 50 ARTICLE 5 - JUNK VEHICLES AND APPLIANCES

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Junked vehicles means one that is in a state of disrepair and incapable of being moved under its own power.

Junked appliances means all ice boxes, refrigerators, stoves, washing machines, hot water tanks, and/or similar items.

Rubbish means and includes weeds, glass, building rubbish, dead trees, garbage, and trash. (*Code 1968, § 13-71; Ord. No. 1970-8, § 1, 9-1-1970*)

(b) It shall be unlawful for the owner or occupant of a residential building or residential property to utilize the premises of such residential property for the open storage of any junked vehicle or junked appliance. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential property clean and to remove from the premises all such junked items, as well as rubbish, upon notice from the mayor or his authorized representative. (*Code 1968, § 13-72; Ord. No. 1970-8, § 2, 9-1-1970*)

(c) From and after October 1, 1970, it shall be unlawful to either maintain or use premises for the open storage of any materials specified in section (a) above. (*Code 1968, § 13-73; Ord. No. 1970-8, § 3, 9-1-1970*)

(d) Any person violating any of the terms of this article shall, on conviction, be fined a sum of not less than \$10.00 nor exceeding \$50.00, or imprisoned not exceeding 15 days, or both such fine and imprisonment, and each daily continuance of any violation shall be a separate offense and be punishable as such. (*Code 1968, § 13-74; Ord. No. 1970-8, § 4, 9-1-1970*)

10. DELETE SECTION 126.10 LAND DEVELOPMENT CODE - PARKING AND STORAGE OF CERTAIN VEHICLES

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

11. DELETE SECTION 74-11 UNRELATED PERSONS OCCUPANCY RESTRICTIONS

Homes in certain zoning districts of the City of Oxford are designated for occupancy by a single family. However, this section does not preclude enforcement of any occupancy regulations in zoning districts other than those listed in (b) below.

(a) *Definitions.*

(1) For purposes of this section, the definition of a "family" is the same as the definition of that term contained in the City of Oxford Land Development Code (see Section 117.66), that is, one or more persons who are related by blood, adoption, marriage, or foster care living together and occupying a single housekeeping unit with single culinary facilities, or a group of not more than three persons living together by joint agreement and occupying a single housekeeping unit with single culinary facilities on a nonprofit, cost sharing basis. Any household employees residing on the premises shall not be considered as a separate family for purposes of this definition.

(2) The terms "occupancy" or "occupy" shall mean the use of a dwelling unit or portion thereof for living, sleeping, and cooking or eating purposes.

(3) To the extent necessary, this section adopts all definitions set forth in the City of Oxford Land Development Code.

(b) *Limited number of unrelated individuals.* All dwelling units located in (A) Agricultural District, (C-E) Country Estate District, (R-E) Residential Estate District, (R-A) Single-Family Residential District, (R-1A) Single Family Residential District, and areas of Planned Unit Developments (PUDs) developed as single-family residential subdivisions shall be restricted to occupancy by a family as defined, in subsection (a) above. No person who is not part of such a family may occupy any such dwelling unit.

(c) [*Violation; prima facie proof of occupancy.*] Prima facie proof of occupancy of a dwelling unit by more than three unrelated persons is established in any prosecution for violation of this section if it is shown that the same four or more vehicles with registration to persons having different surnames or addresses were parked overnight at the dwelling unit a majority of nights in any 14-day period. This establishment of a prima facie level of proof in this subsection does not preclude a showing of "occupancy" of a dwelling unit by a person in any other manner.

(d) [*Violation by owner, occupant or lessee.*] It shall also be a violation of this section for any owner, occupant, or lessee of any dwelling unit described in subsection (b) above to permit or fail to prohibit the occupancy of such dwelling unit by more than three unrelated persons.

(e) [*Enforcement.*] The City of Oxford's Code Enforcement Officer shall enforce this section as follows:

(1) When a complaint is received by the building official, the code enforcement officer shall initiate an investigation to determine if a violation may exist. This investigation shall be completed within 90 days of the complaint.

(2) If the code enforcement officer determines there are more than three unrelated people residing in any dwelling unit described in subsection (b) above, the code enforcement officer shall contact all identifiable property owners and occupants by certified mail and request voluntary compliance.

(3) If compliance is not achieved in a reasonable amount of time, the code enforcement officer shall again contact all identifiable property owners and occupants by certified mail and inform all such parties that they have 30 days from the date of the certified letter to comply with the restrictions or municipal court citations may be issued.

(4) No municipal court citation shall be issued unless and until the procedures described above have been followed.

(f) *Penalties.* For each violation of this section, each owner, occupant, or lessee of a single-family dwelling shall be subject to a fine not to exceed \$300.00 for each violation. Each day during which any violation of this section shall continue shall constitute a separate offense. (*Ord. No. 2009-7, § I, 7-21-2009*)

SECTION V. REPEALING CLAUSE

All ordinances or parts of ordinances in conflict herein shall be, and the same are hereby repealed.

SECTION VI. EFFECTIVE DATE

All ordinances shall take effect and be in force as provided by law.

The above ordinance having being first reduced to writing and read and considered section by section at a public meeting or the governing authorities of the City of Oxford Mississippi on motion of Alderman _____, seconded by Alderman _____, and the roll being called, the same by the following votes:

Alderman Hughes	voted
Alderman Tannehill	voted
Alderman Antonow	voted
Alderman Howell	voted
Alderman Taylor	voted
Alderman Mayo	voted
Alderman Morgan	voted

APPROVED, this day the _____ of _____, 2015

GEORGE G. PATTERSON, MAYOR

LISA D. CARWYLE, CITY CLERK