

**ORDINANCE AMENDING CHAPTER 34 ENVIROMENT, 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. That Section 34-1 of the Code of Ordinances of the City of Oxford, Mississippi, captioned below is hereby amended to read as follows:

**Sec.34-1. - Weeds prohibited; abatement**

(a) *Prohibited conditions.* It shall be unlawful to 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. 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 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 distance not to exceed 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 (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.

(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 (1) year after the

hearing without any further hearing if notice is posted on the property or parcel and at city hall 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 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 one thousand five hundred dollars (\$1500.00) or (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 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 (7) 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 (6) times in any twelve-month period with respect to removing dilapidated buildings, dilapidated fences 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 the property shall not exceed an aggregate amount of twenty thousand dollars (\$20,000) per year or fair market value of the property subsequent to cleaning, whichever is less. The City of Oxford 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.

**SECTION II. REPEALING CLAUSE**

All ordinances or parts of ordinances in conflict herein shall be, and the same are hereby repealed.

**SECTION III. 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 Williams	voted
Alderman Oliver	voted
Alderman Antonow	voted
Alderman Howell	voted
Alderman Taylor	voted
Alderman Mayo	voted
Alderman Morgan	voted

APPROVED, this day the \_\_\_\_\_ of \_\_\_\_\_, 2011

\_\_\_\_\_  
GEORGE G. PATTERSON, MAYOR

\_\_\_\_\_  
LISA D. CARWYLE, CITY CLERK