

By: Jordan

To: Municipalities

SENATE BILL NO. 2580

1 AN ACT TO AMEND SECTION 21-19-11, MISSISSIPPI CODE OF 1972,  
2 TO ALLOW THE GOVERNING AUTHORITY OF A MUNICIPALITY TO IMPOSE AN  
3 ADMINISTRATIVE FEE AGAINST THE OWNER OF PROPERTY IN NEED OF  
4 CLEANING UNDER CERTAIN CIRCUMSTANCES; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. Section 21-19-11, Mississippi Code of 1972, is  
7 amended as follows:[CSQ1]

8 21-19-11. (1) The governing authority of any municipality  
9 is hereby authorized and empowered, on its own motion, or upon the  
10 receipt of a petition requesting the municipal authority to so act  
11 signed by a majority of the residents residing upon any street or  
12 alley within three hundred (300) feet of any parcel of land  
13 alleged to be in need of cleaning, to give notice to the property  
14 owner by U.S. registered mail or certified mail two (2) weeks  
15 before the date of a hearing, or by service of notice as provided  
16 in this section by a police officer at least two (2) weeks before  
17 the date of a hearing, or if the property owner be unknown or his  
18 address unknown, then by two (2) weeks' notice in a newspaper  
19 having a general circulation in the municipality, of a hearing to  
20 determine whether or not any parcel of land is in such a state of  
21 uncleanliness as to be a menace to the public health and safety of  
22 the community. If, at such hearing, the governing authority  
23 shall, in its resolution, adjudicate such a parcel of land in its  
24 then condition to be a menace to the public health and safety of  
25 the community, the governing authority shall, if the owner does  
26 not do so himself, proceed to clean the land, by the use of  
27 municipal employees or by contract, by cutting weeds; filling

cisterns; removing rubbish, dilapidated fences, outside toilets, dilapidated buildings and other debris; and draining cesspools and standing water therefrom. Thereafter, the governing authority may, at its next regular meeting, by resolution adjudicate the actual cost of cleaning the property and may also impose a penalty in an amount not to exceed twenty-five percent (25%) of such actual cost. If, after passage of a resolution by the governing authority adjudicating a parcel of land to be a menace and harmful to the public health and safety of the community, the landowner cleans the land, thereby abating the hazard, the governing authority may impose an administrative fee against the property owner in an amount not to exceed Two Hundred Fifty Dollars (\$250.00). The cost and any penalty or administrative fee 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 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. The action herein authorized shall not be undertaken against any one (1) parcel of land more than five (5) times in any one (1) calendar year, and the expense of cleaning of said property shall not exceed an aggregate amount of Ten Thousand Dollars (\$10,000.00) per year, or the fair market value of the property subsequent to cleaning, whichever is less.

(2) In the event 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 attorneys' fees and interest from the date that the property was cleaned.

(3) In the event that 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

65 board of governing authorities, proceed to sell the land to  
66 satisfy the lien as now provided by law for the sale of lands for  
67 delinquent municipal taxes.

68 (4) All decisions rendered under the provisions of this  
69 section may be appealed in the same manner as other appeals from  
70 municipal boards or courts are taken.

71 (5) The police officer's return on the notice may be in one  
72 (1) of the following forms:

73 (a) Form of personal notice:

74 "I have this day delivered the within notice personally, by  
75 delivering to the within named property owner, \_\_\_\_\_  
76 (here state name of party summoned), a true copy of this notice.

77 This, the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

78 \_\_\_\_\_ (Police Officer)"

79 (b) Form of notice where copy left at residence:

80 "I have this day delivered the within notice to \_\_\_\_\_,  
81 within named property owner, by leaving a true copy of the same at  
82 his (or her) usual place of abode in my municipality, with  
83 \_\_\_\_\_, his (or her) (here insert wife, husband, son,  
84 daughter or some other person, as the case may be),  
85 \_\_\_\_\_ a member of his (or her) family above the age of  
86 sixteen (16) years, and willing to receive such copy. The said  
87 property owner is not found in my municipality.

88 This, the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

89 \_\_\_\_\_ (Police Officer)"

90 (c) Form of return when property owner not found within  
91 municipality and is a nonresident thereof:

92 "I have this day attempted to deliver the within notice to  
93 \_\_\_\_\_, the within named property owner, and after  
94 diligent search and inquiry, I failed to find the same property  
95 owner within my municipality, nor could I ascertain the location  
96 of any residence of the property owner within my municipality.

97 This, the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

