

By: Representatives Barton, Busby

To: County Affairs

HOUSE BILL NO. 1164

1 AN ACT TO AMEND SECTION 19-5-105, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT COUNTIES MAY ADJUDICATE HURRICANE KATRINA-RELATED
3 SLABS BELOW THE BASE FLOOD ELEVATION IN RESIDENTIALLY ZONED AREAS
4 AS MENACED PROPERTY FOR PURPOSES OF CLEANING SUCH PROPERTY AFTER
5 CERTAIN NOTICE IS GIVEN TO PROPERTY OWNERS; AND FOR RELATED
6 PURPOSES.

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

8 **SECTION 1.** Section 19-5-105, Mississippi Code of 1972, is
9 amended as follows:

10 19-5-105. To determine whether property or a parcel of land
11 located within a county is in such a state of uncleanliness as to
12 be a menace to the public health, safety and welfare of the
13 community, the board of supervisors of any county is authorized
14 and empowered to conduct a hearing on its own motion, or upon the
15 receipt of a petition requesting the board of supervisors to act
16 signed by a majority of the residents eighteen (18) years of age
17 or older, residing upon any street or alley, within reasonable
18 proximity of any property alleged to be in need of cleaning, or
19 within seven hundred fifty (750) feet of the precise location of
20 the alleged menace situated on any parcel of land which is located



21 in a populated area or in a housing subdivision and alleged to be
22 in need of cleaning.

23 Notice shall be provided to the property owner by:

24 (a) United States mail two (2) weeks before the date of
25 the hearing mailed to the address of the subject property and to
26 the address where the ad valorem tax notice for such property is
27 sent by the office charged with collecting ad valorem tax; and

28 (b) Posting notice for at least two (2) weeks before
29 the date of a hearing on the property or parcel of land alleged to
30 be in need of cleaning and at the county courthouse or another
31 place in the county where such notices are posted.

32 The notice required by this section shall include language
33 that informs the property owner that an adjudication at the
34 hearing that the property or parcel of land is in need of cleaning
35 will authorize the board of supervisors to reenter the property or
36 parcel of land for a period of one (1) year after the hearing
37 without any further hearing, if notice is posted on the property
38 or parcel of land and at the county courthouse or another place in
39 the county where such notices are generally posted at least seven
40 (7) days before the property or parcel of land is reentered for
41 cleaning. A copy of the required notice mailed and posted as
42 required by this section shall be recorded in the minutes of the
43 board of supervisors in conjunction with the hearing required by
44 this section.



45 If at such hearing the board of supervisors shall in its
46 resolution adjudicate such parcel of land in its then condition to
47 be a menace to the public health and safety of the community, the
48 board of supervisors may, if the owner not do so himself, proceed
49 to have the land cleaned by cutting weeds, filling cisterns, and
50 removing rubbish, dilapidated fences, outside toilets, dilapidated
51 buildings, Hurricane Katrina-related slabs below the base flood
52 elevation in residentially zoned areas and other debris, and
53 draining cesspools and standing water. Thereafter, the board of
54 supervisors may at its next regular meeting by resolution
55 adjudicate the actual cost of cleaning the land and may also
56 impose a penalty not to exceed One Thousand Five Hundred Dollars
57 (\$1,500.00) or fifty percent (50%) of the actual cost, whichever
58 is more. The cost and any penalty shall become an assessment
59 against the property. The "cost assessed against the property"
60 means either the cost to the county of using its own employees to
61 do the work or the cost to the county of any contract executed by
62 the county to have the work done, and administrative costs and
63 legal costs of the county.

64 A county may reenter the property or parcel of land to
65 maintain cleanliness without further notice of hearing no more
66 than six (6) times in any twelve-month period with respect to
67 removing dilapidated buildings, dilapidated fences and outside
68 toilets, and no more than twelve (12) times in any
69 twenty-four-month period with respect to cutting grass and weeds



70 and removing rubbish, personal property and other debris on the
71 land. The expense of cleaning the property shall not exceed an
72 aggregate amount of Twenty Thousand Dollars (\$20,000.00) per year,
73 or the fair market value of the property subsequent to cleaning,
74 whichever is less. The board of supervisors may assess the same
75 penalty each time the property or land is cleaned as otherwise
76 provided in this section.

77 The penalty provided herein shall not be assessed against the
78 State of Mississippi upon request for reimbursement under Section
79 29-1-145, nor shall a county clean a parcel owned by the State of
80 Mississippi without first giving notice.

81 The assessment authorized by this section shall be a lien
82 against the property and may be enrolled in the office of the
83 circuit clerk of the county as other judgments are enrolled, and
84 the tax collector of the county shall, upon order of the board of
85 supervisors, proceed to sell the land to satisfy the lien as now
86 provided by law for the sale of lands for delinquent taxes.

87 Furthermore, the property owner whose land has been sold pursuant
88 to this section shall have the same right of redemption as now
89 provided by law for the sale of lands for delinquent taxes. All
90 decisions rendered under the provisions of this section may be
91 appealed in the same manner as other appeals from county boards.

92 **SECTION 2.** This act shall take effect and be in force from
93 and after July 1, 2018.

