

NUISANCE ORDINANCE

WHEREAS, the City of Flowood, Mississippi (the “City”) is authorized under Mississippi law to enact ordinances for the protection of the health, safety, and welfare of its citizens; and

WHEREAS, the City is authorized to secure the general health of the municipality and prevent and remove nuisances.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Flowood, Mississippi, as follows:

ARTICLE I – IN GENERAL

SECTION 1. CLEANLINESS OF PRIVATE PROPERTY.

It is the duty of all people in both the business and residential districts to always keep and maintain their premises in a clean and sanitary condition.

SECTION 2. OFFENSIVE PROPERTY AND CONDITIONS PROHIBITED AND DECLARED NUISANCE.

- (a) It is unlawful for the owner of any property, premises, lot, house, building, structure or establishment, or the lessee, renter, holder or user thereof, to keep, maintain, store, or permit to be kept, maintained or stored, any unsightly, unkept, hazardous, unsanitary or unwholesome matter on the property or premises.
- (b) Unsightly, unkept, hazardous, unsanitary or unwholesome matter on property or premises is declared to be a public nuisance when visible from a public street (which includes, highways, roads, streets and alleys), right-of-way or another parcel of property.
- (c) For the purposes of this ordinance, unsightly, unkept, hazardous, unsanitary, unwholesome, shall mean any condition or use which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which the premises is located. This includes, but is not limited to, the scattering over the premises of any of the following:
 - 1) lumber, junk, trash, debris;
 - 2) abandoned, discarded or unused objects or equipment such as automobiles, buses, furniture, stoves, refrigerators, freezers, cans, or containers, or abandoned, deserted and dilapidated buildings and structures; and,

- 3) the open storage of equipment, tools, machinery, building or construction materials on premises in which a construction or building permit has not been issued by the city.

SECTION 3. SIGNS AND SIGN STRUCTURES.

- (a) All signs, sign structures, and outdoor advertising and structures permitted by law must be maintained, repaired, always painted and kept in good condition.
- (b) No signs or outdoor advertising displays are allowed for businesses which no longer exist or which advertise businesses which are no longer conducted on the site where a sign or outdoor advertisement is located.
- (c) Signs, sign structures, outdoor advertising or outdoor advertising structures which are faded, peeling, damaged, in need of repair or re-lettering are not permitted.
- (d) The conditions prohibited by this section are declared to be unsightly, a nuisance, and a violation of this ordinance.

SECTION 4. STRUCTURES AND PARKING LOTS TO BE PROPERLY MAINTAINED.

- (a) Structures permitted by law that are visible from a public street, or another property must be maintained, repaired, and kept in good condition. For purposes of this section, the term “structure” includes buildings, dwellings, trailers, and manufactured homes.
- (b) Parking lots must be maintained, repaired, striped, lit and kept in good condition.
- (c) Structures that are unsightly and not properly maintained as reflected by significant fading, significant peeling, significant wearing or significant damage or needing significant repairs or significant repainting are not permitted.
- (d) It shall be presumed that the condition of a structure is significant if the area of the structure not in compliance is greater than 20 square feet in total or aggregate, or the estimated reasonable cost of repair, painting or remedial work is greater than \$1,000.00.
- (e) It shall be presumed that the condition of a parking lot is significant if the area of the parking lot not in compliance is greater than 100 square feet in total or aggregate, or the estimated reasonable cost of repair is greater than \$3,000.00.

- (f) The conditions prohibited by this section are declared to be unsightly, a nuisance, and a violation of this ordinance.

SECTION 5. GARBAGE DUMPSTERS

Garbage dumpsters that are not enclosed or which are open and/or visible from a street, highway, road, alley or another property, are prohibited and constitute a public nuisance.

SECTION 6. VEGETATION.¹

- (a) *Weed Defined.*

As used in this ordinance, the term “weed” shall include all rank vegetative growth, including but not limited to, kudzu, jimsonweed, burdock, ragweed, thistle, cocklebur, dandelion, plants of obnoxious odors, or other similar unsightly vegetative growths. The term “weed” shall not include cultivated flowers, fruits and vegetables, and gardens.

- (b) *Growth or Accumulation of Weeds, Rubbish, and Similar Items Prohibited.*

It is unlawful for the owner of any lot or premises in the city to allow or permit weeds, tall grass, rubbish, trees that have been cut down, or any other unsightly, objectionable, or insanitary matter of whatsoever nature to accumulate or remain on the lot or premises, to permit weeds, grass or any kind of vegetable growth to grow over and cover any sidewalk, driveway, gutter, curb, or area where the yard meets the road or street, whether paved or unpaved, on which the lot may abut, whether the lots or property be occupied or not, and it is the duty of every owner of property and the occupants thereof to keep all sidewalks, driveway, gutter, curb or area where the yard meets the road or street free from weeds or grass.

- (c) *Height of Weeds and Grass Restricted.*

- 1) In developed residential and commercial zoning areas, grass and weeds shall not be allowed to exceed 8 inches from the ground and when ordered cut shall be cut to a height of 3 inches. In undeveloped lots in developed areas, grass and weeds shall not be allowed to exceed 18 inches from the ground. In undeveloped areas, grass and weeds shall not be allowed to exceed 30 inches from the ground.

¹ The Fanny Cook Nature Area is excluded from this Section of the ordinance.

- 2) Vegetation, other than grass, weeds and woody plants, in residential and commercial zoning designations, shall be pruned and trimmed in such a manner to appear managed and attended, not wild.
- 3) Violation of this section is prohibited and constitutes a public nuisance.

SECTION 7. TREE AND SHRUB MAINTENANCE.

- (a) Any tree or shrub which is endangering or which in any way may endanger the security, usefulness, or safety of any public street, sewer, alley, sidewalk or utility is prohibited and constitutes a public nuisance.
- (b) Trees or shrubs which extend over any public street, except an alley, which are not trimmed in such a manner as to provide a minimum 14 feet vertical clearance over the street and trees or shrubs extending over a public alley which are not trimmed in such a manner as to provide a minimum 12 feet vertical clearance over that portion of the alley subject to vehicle use are prohibited and constitute public nuisances.
- (c) Any tree, shrub or vegetation which shall obstruct, partially or wholly, the visibility of any traffic control sign or device beyond a minimum distance of 25 feet, as viewed from the normal vehicular approaches, is prohibited and constitutes a public nuisance.
- (d) Any trees which have been cut down but not removed, dead shrubs or dead vegetation are prohibited and constitute a public nuisance.

SECTION 8. DISPOSAL OF JUNKED VEHICLES AND/OR EQUIPMENT.

- (a) If such public nuisance is not abated by said owner or occupant after notice is given in accordance with this ordinance, official action shall be taken by the City of Flowood to abate such nuisance. Junked vehicles or parts thereof shall be towed and impounded until lawfully claimed or disposed of in accordance with Sections 63-23-1 through 63-23-11, Mississippi Code Annotated 1972.
- (b) Disposition of lost, stolen, abandoned or misplaced personal property under this ordinance which remains in the city's possession and includes used machinery and equipment will be disposed of in accordance with Section 21-39-21, Mississippi Code Annotated, 1972. The owner or occupant of the junked vehicles or parts thereof, or other used machinery or equipment, also becomes subject to the penalties contained in section 15 of this ordinance.
- (c) Vehicles towed and impounded shall be held for 90 days and thereafter shall be disposed of with all rights of ownership being forfeited. Any time prior to the

expiration of said 90 days, the record title holder shall be allowed to redeem said vehicle and/or equipment upon the payment of all costs including towing, storage and other administrative costs as may be determined.

- (d) Nothing in this ordinance shall affect ordinances that permit immediate removal of a vehicle left on public property which constitutes obstruction to traffic.

ARTICLE III – ENFORCEMENT.

SECTION 9. ALTERNATIVE REMEDIES.

- (a) Violations of this ordinance constitute a public nuisance; however, this ordinance is supplemental to any statute or other municipal ordinance relating to unsanitary or unsightly conditions on private premises and acquittal or conviction pursuant to any other statute or ordinance shall not be a bar to prosecution under this ordinance. Acquittal or conviction under this ordinance shall not be a bar to prosecution and conviction under other statutes defining crimes and misdemeanors, nor to any civil or administrative remedy otherwise available.
- (b) The city may enforce the provisions of this ordinance through any administrative, civil or criminal procedure available to it under state law, including, without limitation, the procedure provided in this ordinance and the procedure provided in MCA sec. 21-19-11.

SECTION 10. TIME PERIODS.

All time periods in this ordinance shall be calendar days.

SECTION 11. AUTHORITY TO ENFORCE.

It shall be the duty of the Code Enforcement Officer, with the assistance of the chief of police and his designees, to enforce this ordinance. The authorities may enter upon private property for the purposes thereof, obtain information as to the identity of vehicles and to remove or cause the removal of a vehicle or parts and equipment thereof declared to be a nuisance pursuant to this ordinance.

SECTION 12. NOTICE TO REMEDY OR REMOVE CONDITION.

Whenever any condition described in this ordinance is found to exist on any premises within the city, the owner of the premises shall be notified by the city, in writing, to correct, remedy or remove the conditions within 15 days after the notice and it is unlawful for any person to fail to comply with the notice. The notice shall be served personally on the owner to whom it is directed or shall be given by letter addressed to the owner at his last known post office address. In the event personal service cannot be made

and the owner's address is unknown, the notice shall be given by publication at least two times within ten days in a newspaper of general circulation published within the city.

SECTION 13. ABATEMENT OR REMOVAL ORDER.

The owner or tenant, in possession of private property upon which a violation exists, shall remove or abate the condition within 15 days from posting the notice of the infraction. Such notice shall be affixed to the building, property, structure, vehicle, derelict equipment or residence of abode or given to the individual residing, owning or occupying the residence and/or business.

Such notice shall contain the following information:

- (1) Nature of complaint and findings;
- (2) Description and location of the derelict property;
- (3) Time limits and dates of notice and removal restrictions; and,
- (4) Statement of penalties and noncompliance.

No person, after notification of removal, shall remove the same to any other private property upon which such storage is not permitted or onto any public highway, street, avenue, alley, or other public property for purpose of storage or abandonment.

No person shall seek to prevent the removal of offending articles whose removal dates have expired by blocking access to the offending article, be it a vehicle, derelict equipment or part. Any vehicle, equipment or other item used to block access, purposely or inadvertently, will be subject to immediate removal without notice to the owner.

SECTION 14. RESPONSIBILITY FOR COMPLIANCE.

- (a) If the owner of any property, premises, lot, parking lot, house, building, structure or establishment, or the lessee, renter, holder or user thereof, is not a natural person then the responsibility for ensuring compliance with this ordinance shall be borne by the natural person in control of the entity (control person).
- (b) It is a violation of this ordinance for the control person to keep, maintain, store, or permit to be kept, maintained or stored, any unsightly, unkept, hazardous, unsanitary or unwholesome matter on the property or premises, or otherwise fail to keep and maintain a covered property in compliance with this ordinance.

SECTION 15. PENALTIES.

- (a) Any person failing to comply with this ordinance after being notified to remedy a condition shall be guilty of a misdemeanor and upon conviction shall be

punished by imprisonment for not more than 90 days, or by fine not to exceed \$1,000.00, or both the fine and imprisonment. Each day of noncompliance shall be a separate offense.

- (b) Any person shall have the right to appeal a conviction by the City of Flowood Municipal Court Judge directly to the Mayor and Board of Aldermen. To initiate an appeal, the aggrieved party shall submit a written notice of appeal, including the factual basis of appeal, to the City Clerk within thirty (30) days of conviction.
- (c) An appeal from any action, decision, ruling, judgment or order of the Mayor and Board of Aldermen may be taken to the Circuit Court of Rankin County in accordance with state law.

SECTION 16. CORRECTION OR REMOVAL OF CONDITIONS BY THE CITY; ASSESSMENT OF COSTS.

Upon conviction and in the event the owner of any lot or premises upon which a condition described in this ordinance exists fails to correct, remedy or remove the condition, the city may do the work or make the improvements as are necessary to correct, remedy or remove the conditions, or cause the same to be done, and pay therefor and charge the expenses incurred thereby to the owner of the lot. Expenses of abatement shall be assessed against the lot or real estate upon which the work was done or the improvements made. The doing of the work by the city shall not relieve the person from prosecution for the failure to comply with the notice of violation.

SECTION 17. FILING OF STATEMENT OF EXPENSES INCURRED.

Whenever any work is done or improvements are made by the city under this ordinance, the mayor or appointed official on behalf of the city shall file a statement of the expenses incurred thereby with the city clerk. Such statement shall give the amount of expenses and the date on which the work was done or the improvements were made.

SECTION 18. LIEN FOR AND COLLECTION OF EXPENSES.

After the statement of expenses incurred has been filed, the city shall have a privileged lien on the lot or real estate upon which the work was done or improvement made to secure the expenses thereof. Such lien shall be second only to tax liens and liens for street improvements, and the amount shall be payable within six months. For the expenditures and interest, a lawsuit may be instituted, and recovery and foreclosure of the lien may be had in the name of the city and the statement of expenses, or a certified copy thereof, shall be prima facie proof of the amount expended for the work and improvements.

ARTICLE IV. APPLICATION.

If any provision, article, section, subsection, sentence, clause or phrase of his ordinance or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby.

ARTICLE V. EFFECTIVE DATE.

This ordinance shall take effect thirty (30) days after its passage and publication as required by law.

PASSED AND ORDAINED by the Mayor and Board of Aldermen of the City of Flowood, Mississippi, this 2nd day of March 2026.


KATHY SMITH, MAYOR

ATTEST:


CITY CLERK, JOSH CARLISLE



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