

MISSISSIPPI CODE OF 1972

As Amended

SEC. 21-19-11. Cleaning private property; lien.

(1) The governing authority of any municipality is hereby authorized and empowered, on its own motion, or upon the receipt of a petition requesting the municipal authority to so act signed by a majority of the residents residing upon any street or alley within three hundred (300) feet of any parcel of land alleged to be in need of cleaning, to give notice to the property owner by United States registered mail or certified mail two (2) weeks before the date of a hearing, or by service of notice as provided in this section by a police officer at least two (2) weeks before the date of a hearing, or if the property owner be unknown or his address unknown, then by two (2) weeks' notice in a newspaper having a general circulation in the municipality, of a hearing to determine whether or not any parcel of land is in such a state of

uncleanliness as to be a menace to the public health and safety of the community. If, at such hearing, the governing authority shall, in its resolution, adjudicate such a parcel of land in its then condition to be a menace to the public health and safety of the community, the governing authority 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; 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 of Two Hundred Fifty Dollars (\$250.00) or twenty-five percent (25%) of such 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 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. If it is determined by the governing authority of a municipality that it is necessary to clean a parcel of land more than once within a calendar year, then the municipality may clean such property by giving notice to the property owner at least ten (10) days before cleaning the property and may assess the same penalty for each time the property is cleaned as otherwise provided in this section.

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

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

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

(a) Form of personal notice:

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

This, the ____ day of _____ 19 ____.

_____ (Police Officer)"

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

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

This, the ____ day of _____ 19 ____.

_____ (Police Officer)"

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

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

This, the _____ day of _____ 19 ____.

_____ (Police Officer)"

The first mode of notice should be made, if it can be; if not, then the second mode should be made, if it can be; and the return of the second mode of service must negate the officer's ability to make the first. If neither the first nor second mode of service can be made, then the third mode should be made, and the return thereof must negate the officer's ability to make both the first and second. In the event the third mode of service is made, then service shall also be made by publication as provided in subsection (1) of this section.

(6) The officer shall mark on all notices the day of the receipt thereof by him, and he shall return the same on or before the day of the hearing, with a written statement of his proceedings thereon. For failing to note the time of the receipt of notice or for failing to return the same, the officer shall forfeit to the party aggrieved the sum of Twenty-five Dollars (\$25.00).

SOURCES: Codes, 1930, §§ 2456, 2457; Laws, 1942, § 3374-171; Laws, 1922, ch. 220; Laws, 1950, ch. 491, § 171; Laws, 1962, ch. 545; Laws, 1964, ch. 498; Laws, 1966, ch. 593, § 1; Laws, 1971, ch. 360, § 1; Laws, 1976, ch. 335; Laws, 1977, ch. 330; Laws, 1985, ch. 350; Laws, 1987, ch. 321; Laws, 1989, ch. 322, § 1; Laws, 1991, ch. 395, § 1; Laws, 1992, ch. 479 § 1; Laws, 2001, ch. 576, § 1, SB 2975, eff from and after July 1, 2001.

PREVIOUS VERSION: [Pre-2001](#).