

AN ORDINANCE OF THE TOWN OF FARMINGTON, MISSISSIPPI,
PROVIDING FOR THE ABATEMENT OF CHRONIC NUISANCES

WHEREAS, the Town of Farmington, Mississippi, finds that it is necessary for the public safety, welfare and well-being that a procedure exist for the abatement of chronic nuisance properties within the municipal limits of the Town of Farmington, Mississippi,

NOW, THEREFOR, BE IT ORDAINED by the Mayor and Board of Aldermen of the Town of Farmington, Mississippi, that for the purposes set forth hereinabove, the following provisions are enacted into law as follows:

Section 1. For purposes of this Ordinance, a chronic nuisance is a parcel of real property upon which, within any sixty (60) day period, at least two documented criminal offenses occur resulting in conviction, including, but not limited to the offenses of disorderly conduct, unlawful use of a weapon, mob action, gambling, illegal drug possession, assault, battery, sexual abuse, public indecency, prostitution, criminal damage, possession of alcohol by a minor, and garbage violations, sanitary waste violations, animal control violation, junk violation, health violation, or zoning or protective or restrictive covenant violation.

Section 2. Any person in charge who permits property under his or her ownership or control to be a public nuisance property as defined herein shall be in violation of this ordinance and subject to its remedies.

Section 3. Prior to a citation being issued for a violation of this Ordinance, the municipal police department shall send, via certified mail return receipt requested, a letter notifying such persons that the subject property is deemed to be a public nuisance, and requiring the said person or persons to meet with the Municipal Chief of Police or his designee within ten (10) working days, in order to reach an agreement

concerning the method of abating the nuisance. Nuisance abatement may require, if permitted by applicable law, eviction of tenants causing or allowing criminal offenses to occur upon the subject property.

Section 4. If the person(s) in charge or in control of the subject property fail or refuse to take prompt and objectively verifiable actions to abate the nuisance, such person(s) shall be deemed in violation of this Ordinance, and the municipal police department shall cause a citation to be issued for such violation, returnable to municipal court. Upon conviction, the person(s) found to be in violation of this ordinance shall be assessed a fine of \$100.00 per day for each day the said person(s) had knowledge that the property was a public nuisance and allowed the property to remain as such, and in addition thereto to the abatement of such a nuisance may be secured by injunctive relief and when successful the person violating this Ordinance shall be liable for all costs thereof including but not limited to reasonable attorney's fees and Court costs.

Section 5. This Ordinance shall take effect one month after passage, as set forth by law. The Clerk is hereby authorized and directed to publish this Ordinance as set forth by law, and to take all necessary steps to codify the language of the Ordinance in the official Code of Ordinances of the Town of Farmington, Mississippi.

The foregoing Ordinance having been reduced to writing and considered Section by Section, was introduced by Alderman Lowell Gann, seconded by Alderman Charles Kemp, and was adopted by the following vote, to-wit:

ALDERMAN

Henry Barrett, II
Dale Fortenberry
Richie Mathis
Charles Kemp
Lowell Gann

VOTE

Yea
Yea
Yea
Yea
Yea

Thereupon the Mayor declared the Ordinance duly adopted this the 16th day of November, 2004, and declared same to be in full force and effect after publication as

provided by law.

Ray Hughes
RAY HUGHES, MAYOR

Henry S. Barrett, II
HENRY S. BARRETT, II

Dale Fortenberry
DALE FORTENBERRY

Charles Kemp
CHARLES KEMP

Lowell Gann
LOWELL GANN

Richie Mathis
RICHIE MATHIS



ATTEST:

Deborah Holloway
DEBORAH HOLLOWAY, CLERK