

AN ORDINANCE ADOPTING PROPERTY MAINTENANCE AND COMMUNITY  
APPEARANCE STANDARDS IN TOWN OF FARMINGTON, MISSISSIPPI

WHEREAS, the Mayor and Board of Aldermen of the Town of Farmington, Mississippi, having been given the authority under Section 21-18-25 of the Mississippi Code of 1972, annotated, as amended, to allow for the adoption, amendment and revision of Building and other codes by reference; and

WHEREAS, there are a number of standard codes dealing with the general public health, safety or welfare and the Mayor and Board of Aldermen of the Town of Farmington, Mississippi, do find that the health, safety and general welfare of its citizens would best be served by the adoption of said codes,

NOW, THEREFOR, BE IT ORDAINED THAT:

SECTION 1. TITLE.

This Ordinance shall be known and referred to as the Property Maintenance and Community Maintenance Standards Ordinance of the Town of Farmington, Mississippi, and may be so cited.

SECTION 2. PURPOSE.

The purpose of this ordinance is to preserve and promote the public health, safety and welfare of the citizens of the Town of Farmington.

SECTION 3. DEFINITIONS.

When used in this Ordinance, the following words and terms shall have the meaning set forth in this Section, unless other provisions of this Ordinance specifically indicate otherwise:

**Junk Vehicle:** Any motor vehicle not new and unsold by a licensed dealer, which does not have a current Mississippi inspection sticker and motor vehicle registration place or is in such a condition as to be considered inoperable. For the purpose of this Ordinance, a trailer, camper or boat without a current registration plate shall be considered a junk vehicle.

**Junkyard:** Any land used, in whole or in part, for commercial or industrial storage, dismantling, and/or sale of waste paper, rages, scrap metal, motor vehicles, machinery, or other junk outside of an enclosed building. This shall not include a publicly owned landfill, solid waste transfer facility, or other public utility facility, or a recycling and salvage operation.

SECTION 4. JUNK VEHICLE.

Junk vehicles are prohibited from being located within the city except within completely enclosed buildings or garages or at vehicle salvage yards, vehicle repair shops and wrecker services complying with the terms of this Ordinance. No more than one (1)

junk vehicle may be stored behind opaque fencing or landscaping. This required screening shall completely block the view of the vehicle from all surrounding property.

#### SECTION 5. JUNK.

It shall be unlawful for the owner or occupant of any property to utilize said property for the storage and accumulation of used, discarded or worn out materials or manufactured products, whether reusable or not, including but not limited to appliances, building materials, building rubbish, trash, garbage, waste products, metal products, and similar items.

#### SECTION 6. OPEN STORAGE.

Open or outside storage of materials and products shall be prohibited in residential zones. This includes refrigerators or similar appliances, or upholstered furniture, or similar items stored or placed on the porch, unless screening completely blocks the view from the street and surrounding properties.

#### SECTION 7. SCREENING OF JUNKYARDS.

Within one (1) year from the effective date of this Ordinance, all existing junkyards, vehicles salvage yards, vehicle repair shops and wrecker services where junk or wrecked vehicles are stored shall be screened from view from adjacent properties by opaque fencing and landscaping. All new junkyards, vehicle salvage yards, vehicle repair shops and wrecker services shall be provided with such screening prior to obtaining a certificate of compliance.

#### SECTION 8. JURISDICTION AND APPLICABILITY.

Not less than one (1) copy of each of the above mentioned Code will be filed with the Clerk of the Town of Farmington, Mississippi. From the date on which this Ordinance shall take effect, the provisions of each said Code shall be controlled within the area of jurisdiction of the Town of Farmington, Mississippi.

#### SECTION 9. ENFORCEMENT RESPONSIBILITY.

The Chief of Police or his/her designee is hereby authorized to enforce the provisions of this Ordinance, with responsibility being as set forth in the relevant provisions of this Ordinance.

#### SECTION 10. PENALTIES FOR VIOLATIONS.

Any persons in violation so this Ordinance, shall be guilty of a misdemeanor and shall be fined not more than one thousand dollars (\$1,000.00) or shall be imprisoned in jail for not more than 30 days, or shall be punished by both fine and imprisonment for each offense, and/or the Town may enforce this Ordinance by injunctive action, and if successful the enjoined party shall be liable for all costs thereof, including reasonable attorney's fees and Court costs.

SECTION 11. CONFLICT.

Nothing in this Ordinance or the Codes hereby adopted shall be construed to affect any suit or proceedings now pending in any Court or any rights acquired or liability incurred, nor any cause or causes of action accrued or existing, under act or ordinances repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 12. SEVERABILITY.

The invalidity of any section or provision of this Ordinance or any section or provisions of any of the Codes hereby adopted shall not invalidate any other sections or provisions thereof.

The foregoing Ordinance having first been reduced to writing was read and considered by Sections, Alderman Dale Fortenberry made the motion and Alderman Charles Kemp seconded the motion for its adoption. The Mayor put the question to a roll call vote and the result was as follows:

| <u>ALDERMAN</u>   | <u>VOTE</u> |
|-------------------|-------------|
| Henry Barrett, II | <u>yea</u>  |
| Dale Fortenberry  | <u>yea</u>  |
| Richie Mathis     | <u>yea</u>  |
| Charles Kemp      | <u>yea</u>  |
| Lowell Gann       | <u>yea</u>  |

This motion having received the affirmative vote of a majority of the members present, the Mayor declared the motion carried and the Ordinance adopted on the 16<sup>th</sup> day of November, 2004.

  
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RAY HUGHES, MAYOR

  
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HENRY S. BARRETT, II

  
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DALE FORTENBERRY

  
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CHARLES KEMP

  
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LOWELL GANN

  
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RICHIE MATHIS

ATTEST:

  
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DEBORA HOLLOWAY, CLERK

