Title 33: River and Waters

Part 206: Regulations Pertaining to Property Maintenance

Part 206 Chapter 1: Property Maintenance Regulation.

Rule 1.1 *2006 International Property Maintenance Code®.* The District hereby adopts the 2006 International Property Maintenance Code® published by the International Code Council, Inc. (the "Maintenance Code") as a regulation of the District in all respects, except as hereinafter modified, amended, substituted and changed. A copy of the Maintenance Code shall be maintained at all times in the office of the District's Building Inspector. The provisions of this Maintenance Code shall supersede and control over any restrictive or protective covenants applicable to the subject property.

The following amendments to the Maintenance Code are hereby adopted:

A. Amend Section 101 – General

In Section 101.1 – substitute "name of jurisdiction" with "the Pearl River Valley Water Supply District."

B. Amend Section 103 – Department of Property Maintenance Inspection

Delete Sections 103.1, 103.2, 103.3.

Amend Section 103.5. Fees as follows:

The fees for activities and services performed by the Building Inspector or his staff in carrying out the responsibilities under this code shall be as indicated, from time to time, by the Board of Directors of the District and contained in its official public minutes.

C. Amend Section 104 – Duties and Powers of the Code Official

Add to Section 104.1: The term "code official" as used herein shall mean the District's Building Inspector.

D. Amend Section 106 – Violations

Delete the first sentence of Section 106.3 and add the following:

Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be subject to a fine of not more than One Thousand Dollars or by imprisonment not to exceed fifteen days, or both, as determined by the court.

E. Amend Section 108.2 Closing of vacant structures.

The last sentence is amended as follows: Upon failure of the owner to close up the premises within the time specified in the order, the code official may cause the premises

to be closed and secured through any available public agency or by contract or arrangement by private persons.

F. Amend Section 110.3 Failure to Comply

If the owner of premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons.

G. Amend Section 111 – Means of Appeal

Section 111 is deleted in its entirety. Anyone aggrieved by any action or decision of the Building Inspector or a notice or order issued under this code shall have the right to obtain a Declaratory Opinion pursuant to Part 201 Chapter 4 of the District's regulations.

H. Amend Definition of "Owner"

"Owner" shall mean any person, agent, operator, firm, trust or other legal or equitable organization having a legal or equitable interest in the property; or recorded in the official records of the state, county or District office as holding leasehold title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person. The term shall not include the District, the fee owner and lessor of all of the property.

I. Amend Section 301 – General

1. Add Section 301.4 – Nuisance. The existence of any condition(s) on buildings, accessory structures, or property, which has an adverse impact on the safety, health, environment, aesthetics or property values of properties in the near vicinity as a result of being visible from outside the property, is declared to be a nuisance. Any property that is damaged or destroyed by fire or acts of nature shall be demolished or repairs must begin within three months of the damage or destruction.

2. Add Section 301.5 – Storage. It shall be unlawful for any owner or tenant to store any items such as, but not limited to, washers, dryers, refrigerators, ovens, freezers, lawn mowers, string trimmers, edgers, tillers, rakes, shovels, other gardening supplies, toys, recliners, ice chest, boxes, crates, storage bins, storage tubs, file cabinets, grills, kennels, barrels, drums, cans, bottles, wood, metal, plastic, rags, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; scrap iron, tin, and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation on a porch, breezeway, balcony, front yard or side yard if the porch, breezeway, balcony, front yard or side yard is visible from any street.

3. Add Section 301.6 – Storage Units.

(a) A portable home storage unit ("POD") is defined as a portable shed or storage container, storage unit, shed-like container or other portable structure that can or may be used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building other than an accessory structure. It shall be unlawful for any owner or tenant to place a POD upon any property without having in his or her possession a validly issued permit from the Building Inspector. All permits for location of a POD shall have an initial expiration date of thirty (30) days from issuance. A permit may be extended for an additional thirty (30) days if such extension is requested prior to the expiration of the initial 30-day period. The Board of Directors shall, from time to time, establish the amount of the fee for the initial issuance of the permit and for an extension. Only one extension will be granted.

(b) No POD may be located in any street or on unpaved portions of front yards of a property. POD units must be kept in the driveway of the property at the furthest accessible point from the street. All locations must be paved offstreet surfaces. Any other location must be pre-approved by the Building Inspector at his or her discretion.

J. <u>Amend Section 302 – Exterior Property Areas</u>

1. Modify Section to 302.4 – Weeds. Insert "18 inches or hereinafter provided" for "(jurisdiction to insert height in inches)." Vegetation located on an unimproved, cleared lot shall be maintained to prohibit vegetation over 30 inches high.

2. Add to Section 302.7 – Accessory Structures. Fences and walls shall be free from loose, missing, broken, rotting materials or materials inconsistent with the overall materials in the fence and shall have braces and supports attached or fastened in accordance with common building practices. Fences shall not exceed eight feet in height and shall not unreasonably interfere with neighboring properties view of the Ross Barnett Reservoir, any such fence being considered a "spite fence" detrimental to the public welfare and community property values. Any fence constructed as of the effective date of this Regulation in excess of eight feet will be allowed as a non-conforming use but such fence may not be enlarged, expanded, extended or rebuilt in the event of destruction of fifty percent or more of the fence.

3. Add to Section 302.8 –The term "Motor Vehicles" shall mean without limitation every device in, upon or by which any person or property is or may be transported upon a street or highway, including without limitation, automobiles, trucks, jeeps, motorcycles, all terrain vehicles, off road vehicles, motor bikes, buses, vans, dirt bikes and three- or four-wheelers.

4. Add Section 302.10 – Construction Projects. The following conditions shall be prohibited in residential areas:

302.10.1 Construction projects that are on-going for more that twelve months (exceptions: construction projects with valid building permit may request a time extension due to extenuating circumstances, such as natural disasters.)

302.10.2 Scattered building or repair materials in a yard.

302.10.3 Storage of construction, repair, or maintenance materials or equipment that are not to be used on the premises.

302.10.4 Construction debris and refuse remaining on property for more than thirty days.

302.10.5 Lumber or construction materials (excluding materials for construction project on the property with a current valid permit), salvage items (junk), including, but not limited to, auto parts, scrap metals, tires, and the like stored on property in excess of seventy-two hours and visible from a public street, walkway or alley or other public property.

302.10.6 Abandoned, dismantled, wrecked, inoperable, unlicensed, and discarded objects, equipment or appliances such as, but not limited to vehicles, boats, water heater, refrigerators, furniture which is not designed for outdoor use, household fixtures, machinery, equipment, cans, or containers standing or stored on property or on sidewalks or streets which can be viewed from a public street or walkway, alley, or other public property.

302.10.7 Building or repair materials and building, maintenance, or repair equipment stored for more than thirty days.

302.10.8 Piles of dirt, sand, gravel, rock, mulch in excess of fourteen (14) days.

K. Amend Section 304 – Exterior Structure

Add to Section 304.13 the following language: 304.13.3 No windows, door, or building exteriors shall be covered with but not limited to, aluminum foil, cardboard, plywood, or plastic, except during construction or pending repairs not exceeding thirty (30) days. Existing screens on doors or windows shall not be torn or in need of repair or replacement.

Any person failing to comply with a notice of violation or order served in accordance with Section 107 of the Maintenance Code shall be subject to a fine of not more than One Thousand Dollars or by imprisonment not to exceed fifteen days, or both, as determined by the court.

The following Chapters of the International Property Maintenance Code are not adopted and are not included in this Regulation: Chapter 4; Chapter 5; Chapter 6; and Chapter 7.

If any section, subsection, sentence, clause or phrase of this Regulation is, for any reason, held to be unconstitutional or otherwise unenforceable, such decision shall not affect the validity of the remaining portions of this Regulation.

Source: *Miss. Code Ann.* § 51-9-127 (Rev. 2000)