

There came on for consideration at a duly constituted meeting of the Mayor and Members of the City Council of the City of Hattiesburg, Mississippi, held on the 18th day of March 2025, the following Ordinance:

ORDINANCE NO. 3377

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HATTIESBURG TO ENACT A VACANT AND ABANDONED STRUCTURE REGISTRATION IN THE CENTRAL BUSINESS DISTRICT, HISTORIC DISTRICTS AND DESIGNATED HISTORIC LANDMARKS

WHEREAS, vacant, abandoned, and dilapidated properties pose a significant risk to public safety by attracting criminal activity, including trespassing, vandalism, and illegal drug use, which undermines the quality of life for residents and disrupts community stability;

WHEREAS, the accumulation of vacant and deteriorating structures contributes to a negative perception of neighborhoods, discourages investment, and hinders economic development, including the ability to attract new businesses and residents;

WHEREAS, vacant and abandoned buildings are often poorly maintained, leading to structural hazards such as collapsing roofs, broken windows, unsanitary conditions, and the accumulation of hazardous materials, all of which can contribute to public health concerns;

WHEREAS, the maintenance, rehabilitation, and repurposing of vacant or abandoned properties are essential to the long-term revitalization and sustainability of neighborhoods, contributing to increased property values, enhanced safety, and improved community well-being;

WHEREAS, the City of Hattiesburg recognizes that addressing vacant and abandoned structures requires a comprehensive approach, including clear regulations, accountability for property owners, and effective enforcement mechanisms to encourage compliance and foster community improvement;

WHEREAS, the City of Hattiesburg seeks to provide property owners with the necessary tools and incentives to rehabilitate vacant and abandoned properties, while also implementing measures to ensure public health and safety are protected in the interim;

WHEREAS, it is in the best interest of the City to adopt and enforce policies that promote property maintenance and discourage neglect, in order to reduce the adverse impacts of vacant, abandoned, and dilapidated properties on the environment and the well-being of the citizens;

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HATTIESBURG, MISSISSIPPI:

VACANT BUILDINGS ARTICLE I. - VACANT STRUCTURES IN THE CENTRAL BUSINESS DISTRICT, HISTORIC DISTRICTS, VACANT DESIGNATED HISTORIC LANDMARKS

Definitions. The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) “Central business district” is located as noted on maps which will be made available by the Director, and as previously defined in this Code as: [Hub City National Register District].
- (2) “Historic district” means an area designated as such through approved means by city council, state or federal authority, and as previously defined and adopted in this Code. “Historic landmark” means an individual structure or property which has been designated as such through approved means by city council, state or federal authority, and as previously defined and adopted in this Code.

- (3) “Director” refers to the director of the Department of Urban Development.
- (4) “Secured” means that all accessible means of ingress and egress to the vacant structure, including but not limited to all exterior doorways and windows are locked so as to prevent unauthorized entry by vagrants and criminals.
- (5) “Temporarily secured” means that all accessible means of ingress and egress to the vacant structure, including but not limited to all exterior doorways and windows are covered with plywood which has been secured in place so as to prevent unauthorized entry by vagrants and criminals.
- (6) “Structure” means that which is built or constructed.
- (7) “Vacant structure” means 1) for single-family residential structures, a structure that is not currently contracted for utility services including water and electricity or 2) for all other structures, a structure which has not had a current Privilege Tax License (as applicable), water, and electricity associated with it for a period of sixty (60) days.
- (8) “Fair Market Value” is determined by a current or recent appraisal or a written valuation by a licensed real estate broker along with a detailed written estimate, by a certified licensed contractor, to bring the property up to code.
- (9) “Local Manager” The person specifically named on the application and permit who is responsible for the day-to-day operation of the structure, and who may be contacted and available twenty-four (24) hours a day if there is a problem with the structure. The local property manager may be the owner or agent of the owner and shall reside within Forrest or Lamar County. The local manager and owner shall be responsible for the management and upkeep of the structure in compliance with the provisions set forth herein. The name, address, and telephone number of the owner and the local manager shall be submitted at the time that the application is filed and said information shall be made available to the public. The owner shall be responsible for providing written notice of any change with respect to the name, address, and telephone number of the local manager to the City.

VACANT BUILDINGS ARTICLE II.- APPLICABILITY AND ADMINISTRATION.

- (a) This article shall apply to all vacant structures, as defined herein, which are now in existence or which may hereafter be constructed or converted from other uses and which are located within the boundary the areas below with effective dates of each district
 - 1) April 1, 2025 - effective date for the Downtown Central Business District; vacant historic landmarks
 - 2) July 1, 2025 - effective date for the North Main Historic District
 - 3) October 1, 2025 - effective date for the Hattiesburg Historic Neighborhood
 - 4) January 1, 2026 - effective date for all other historic districts
- (b) The director is authorized to administer and enforce the provisions of this article.
- (c) The director shall have the authority to render interpretations of this title and to adopt policies and procedures in order to clarify the application of its provisions. The director, at his/her sole discretion, may also enter into an agreement with a registered property owner to obtain compliance with this article by a date certain.

Registration required.

- (a) The vacant structure property owner shall have forty-five (45) days in which to register from the date that written notice is issued to the property owner. Written notice shall be issued to the vacant structure property owner by means of personal

service, or by first class mail to their last known address and by posting on the property. The Director shall consider evidence provided that the property is listed for sale or lease for fair market value and for a reasonable length of time for purposes of extending the length of time, to a maximum of 12 months, before the property must be registered.

- (b) Upon the issuance of notice to register vacant structure, property owners shall register with the Department and provide the following information:
- (1) The address, PPIN and Parcel number, and/or legal description of the property;
 - (2) The current name, physical address, mailing address, telephone number, and email information for any owner(s) with an ownership interest in the property. Corporations or corporate entities shall submit the same information pertaining to their registered agent.
 - (3) The contact information for a local manager of the properties and/or improvements located on said property, as applicable.
 - (4) Proof of liability insurance, no less than one hundred thousand dollars (\$100,000.00), for the property and/or a surety bond which bond must be approved by the Director and the City Attorney or his designee for the value of structure if insurance cannot be obtained. Said value shall be the appraised value as determined by the Forrest County Tax Assessor.
 - (5) Complete the comprehensive plan of action form, provided by the department, detailing a timeline for correcting violations, rehabilitation, maintenance while vacant, and future use of the structure. The plan of action must be updated every six (6) months.
 - (6) A complete floor plan of the property for use by Code Enforcement and by first responders in the event of a fire or other catastrophic event.
 - (7) Vacant structure property owners shall provide written notice to the director, including a copy of the deed, of a change in: a. Ownership of the property; b. Contact information for either the owner, registered agent or the designated manager. Written notice must be provided to the department no later than 30 days after said changes have occurred.
- (c) Continued annual registration of the property by the vacant structure property owner is required until said structure is deemed occupied and in compliance with all relevant code requirements by the director.

Registration fees.

- (a) Vacant structure property owners shall tender an annual registration fee and an annual inspection fee. The initial registration fee shall be two hundred fifty dollars (\$250.00) for single-family residential structures or seven hundred fifty dollars (\$750.00) for all other structures. The annual inspection fee shall be one cent (\$0.01) per square foot, as determined by the Director or other data (survey, floor plan, etc.) verified by the Director, or fifty dollars (\$50.00) minimum, whichever is greater. Following the initial registration period and each year thereafter, the registration fee shall double.
- (b) Subsequent annual registration fees shall be due and postmarked no later than one (1) year from the date the previous vacant structure was identified and noticed.

- (c) If the registration paperwork is submitted in its entirety within forty-five (45) days of the date the written notice was mailed, then the property owner may be entitled to a one-hundred-dollar (\$100.00) discount. However, failure to submit the registration paperwork in its entirety within the ninety (90) day time period may result in an additional one hundred fifty-dollar (\$150.00) fee.

Property manager or agent.

- (a) Vacant structure property owners must designate a local manager for said properties and include the relevant contact information for the designated manager upon registering the property with the department. Property managers shall act as agents for the property owner for purposes of accepting legal service, however the vacant property owner remains responsible for code violations.
- (b) The property manager or agent must be available at the number listed at all times in the event of an emergency or catastrophe. For all vacant properties except for single-family residential structures: the name and telephone number of the property manager or agent must be posted at the front of the building, in large, legible print.
- (c) The property manager or agent shall post "No Trespass" placards on the premises. Additional employment of security services for the property for a specified number of hours every day, may be required by the director on the basis of the property's history of code and/or criminal violations.

Standard of care for vacant property.

The standard of care, subject to approval by the director, shall include, but is not limited to:

- (1) Protective treatment: All exterior surfaces, including but not limited to, roof, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained as outlined in the International Property Maintenance Code (currently adopted edition), weather tight and in such condition so as to prevent the entry of rodents and other pests. All exposed wood or metal surfaces subject to rust or corrosion, other than decay resistant woods or surfaces designed for stabilization by oxidation shall be protected from the elements and against decay or rust by periodic application of weather coating materials such as paint or similar surface treatment. All surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. All siding, cladding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight.
- (2) Premises identification: The property shall have address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches (102mm) high with a minimum stroke width of one half inch (12.7mm). All buildings shall display a vacant building identification placard as required by the director.
- (3) Structure: All structural members and foundation shall be maintained free from deterioration, and shall be capable of safely supporting the imposed loads.
- (4) Exterior walls: All exterior walls shall be kept in good condition and shall be free from holes, breaks, and loose or rotting materials. Exterior walls shall be maintained weatherproof and properly surface coated where necessary to prevent deterioration.

- (5) Roof and drainage: The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent accumulation, dampness or deterioration. Roof drains, gutters and downspouts shall be maintained in good repair, free from obstructions and operational.
- (6) Decorative features: All cornices, belt courses, corbels, applications, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- (7) Overhang extensions and awnings: All overhang extensions including, but not limited to canopies, marquees, signs, awnings, and fire escapes shall be maintained in good repair and be properly anchored and supported as to be kept in a sound and safe condition.
- (8) Stairways, decks, porches and balconies: Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
- (9) Chimneys and towers: All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe and sound, and in good repair.
- (10) Handrails and guards: Every exterior handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- (11) Window, skylight and door: Every window, storefront, skylight and exterior door part, including but not limited to the frame, the trim, window screens and hardware shall be kept in sound condition and good repair. All broken or missing windows shall be replaced with glass and secured in a manner so as to prevent unauthorized entry. All broken or missing doors shall be replaced with new doors which shall be secured to prevent unauthorized entry. All glass shall be maintained in sound condition and good repair. All exterior doors, door assemblies and hardware shall be maintained in good condition and secured. Locks at all exterior doors, exterior attic access, windows, or exterior hatchways shall tightly secure the opening. Windows and doors shall not be secured by plywood or other similar means mounted on the exterior except as a temporary securing measure, and the same shall be removed within a period of time designated by the director.
- (12) Basement hatchways and windows: Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against entry of rodents. All repairs shall be subject to approval by the director. All required permits and final inspections prior to and/or following repairs shall be in accordance with applicable laws and rules.

Historic properties and properties within designated historic districts are additionally subject to all applicable rules and regulations as otherwise codified.

Fee waivers.

All fee waivers must be applied for, using the forms provided by the director, on an annual basis, and are subject to approval by the director. A fee waiver is only valid for twelve (12) months.

- (1) Property which has been devastated by a catastrophe such as fire or flood: The owner has thirty (30) days to register from the date of the disaster but may be exempt from the fees. This exemption is for the duration of one (1) year from the date of the catastrophe; thereafter all applicable fees are due.

- (2) A property owner who is indigent must register and is otherwise subject to this article but may be exempt from the fees for the first year.
- (3) Representatives of a property owner who is deceased or is no longer legally competent must register the property and are otherwise subject to this article but may be exempt from the registration fees. This exemption is for the duration of one (1) year from the date of the property owner becoming deceased or being judged no longer legally competent; thereafter all applicable fees are due.
- (4) Where the owner of the property has obtained and maintains an active building permit, the owner shall not be subject to this article and is exempt from the registration fees while there is an active and valid building permit.
- (5) Where the property owner of a property that is a single-family residence has maintained the property to the standard of care required under this article, as well as all other applicable ordinances and laws, the owner must register the property but may be exempt from the registration fees.

Jurisdiction.

Enforcement and penalties.

- (a) Written notice of violation will precede the issuance of a criminal citation, in which the vacant property owner will be given a reasonable length of time, not to exceed 90 days, as determined by the director, to remedy the violation. Written notice shall be issued to the vacant structure property owner by means of personal service, or by first class mail to their last known address and by posting on the property.
- (b) Failure to register with the department after written notice to the vacant structure property owner, as is hereinafter specified, is a violation of this article.
- (c) Violation of this chapter is a misdemeanor. (The fine for this offense may not exceed one thousand dollars (\$1,000.00).
- (d) Administrative, civil, and criminal enforcement are alternative remedies which may be sought independently of each other. Criminal prosecution may occur regardless of pursuit of “civil or administrative remedies” and vice versa.

VACANT BUILDINGS ARTICLE III. - EFFECTIVE DATE AND CONFLICTS

- (1) That Ordinance Number 3368 adopted February 4, 2025, and any other ordinances in conflict thereof are hereby repealed.
- (2) This ordinance shall take effect immediately upon its passage and publication, as it is deemed necessary to the public health of the city to register and inspect vacant buildings within the above described districts.

The above and foregoing Ordinance, after having been first reduced to writing, was introduced by Council Member Ware, seconded by Council Member Carroll, and was adopted by the following, to wit;

YEAS:
George
Delgado
Carroll
Ware
Brown

NAYS:
None

ABSENT:
None

The President thereby declared the motion carried and the Ordinance adopted this the **18th** day of **March 2025**.



ATTEST:

/s/ Ronda S. Kennedy

CLERK OF COUNCIL

ADOPTED:

/s/ Jeffrey George

COUNCIL PRESIDENT

The above and foregoing Ordinance, having been submitted to and approved by the Mayor, this the **18th** day of **March 2025**.

ATTEST:

/s/ Kermas Eaton

CITY CLERK

APPROVED:

/s/ Toby Barker

MAYOR