

There came on for consideration at a duly constituted meeting of the Mayor and Members of the City Council of the City of Gulfport, Mississippi, held on the 2nd day of December, 2014, the following Ordinance:

ORDINANCE NO. 2812

**AN ORDINANCE AMENDING
THE CODE OF ORDINANCES OF THE
CITY OF GULFPORT, MISSISSIPPI, AND ADOPTING THE 2012 EDITION OF THE
*INTERNATIONAL PROPERTY MAINTENANCE CODE***

WHEREAS, it is necessary to upgrade and update the Property Maintenance Code that is in force and effect in the City of Gulfport; and

WHEREAS, updating the Property Maintenance Code will improve and upgrade the rules and regulations governing the conditions and maintenance of all property, buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe and sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the City of Gulfport; and providing for the issuance of permits and collection of fees therefor; and

WHEREAS, adoption of the 2012 edition of the *International Property Maintenance Code* will require repeal of Ordinance No. 2562 of the City of Gulfport by which the City adopted the 2006 edition of the *International Property Maintenance Code* as well as any and all other ordinances and parts thereof in conflict herewith.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF GULFPORT, MISSISSIPPI, AS FOLLOWS:**

SECTION 1. That a certain document, one (1) copy of which is on file in the office of the Clerk of the City of Gulfport, being marked and designated as the *International Property Maintenance Code*, 2012 edition, including Appendix A, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Gulfport, Mississippi, for regulating and governing the conditions and maintenance of all property, buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe and sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the City of Gulfport; and providing for the issuance of permits and collection of fees therefor; and each and all of the resolutions, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City Clerk of the City of Gulfport are hereby referred to, adopted and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any prescribed in Section 2 of this ordinance.

SECTION 2. That the following sections are hereby revised:

Section 101.1. Insert: “City of Gulfport, Mississippi”

Section 102.3. Revise to read: “Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of currently adopted codes. Nothing in this Maintenance Code shall be construed to cancel, modify or set aside any provision of the current zoning, planning, and building codes.

Section 103. Department of Property Maintenance Inspection. Delete in its entirety.

Section 104.1.1. Insert new section that reads: **Deputies.** The Mayor and Code Official are authorized to appoint deputy code officials, other related technical officers, and inspectors.

All persons so appointed, or holding a delegated authority from the Mayor or Code Official with regard to the administration or enforcement of any part or parts of this code shall be deemed to constitute deputy code officials and shall be entitled to exercise all powers and duties delegated to them.

Section 106.4. Violation penalties. After “Shall be prosecuted within the limits provided by state or local laws” insert “in accordance with Section 1-9 General Penalty of the Code of Ordinances of the City of Gulfport, MS”

Section 111.1. Application for Appeal. Delete “board of appeals” and insert in its place “Construction Board of Adjustment and Appeals (hereinafter “board of appeals”)”.

Section 302.3. Delete “parking spaces” (also delete in comment)

Section 302.3.1. Insert new section as follows: **Parking lots and parking spaces.** All parking lots and parking spaces shall be kept in good repair without potholes, ruts, excessive cracks, or other menaces to driving that might damage vehicles or are unsightly when viewed from the street. Striping shall be kept reasonably fresh and visible. All accessible signs, barriers, aisles and other accessible devices shall be maintained in good repair. Lots and spaces shall be kept reasonably free from litter, trash, dirt, rocks, sand, and debris.

Section 302.4. Weeds. Insert: “6 inches”

Sections 302.7.1 thru 302.7.5: Insert new sections as follow

302.7.1 Wire fences other than chain-link. Wire fences such as those with hardware cloth, chicken wire, agricultural, or others are not allowed.

302.7.2 Barbed or razor wire. Barbed wire and razor wire is not allowed in any zoning unless specifically allowed by reference.

302.7.3 Chain Link fences. Chain link fences such as hurricane fences, cyclone fences, chain wire or other zig-zag pattern fences, where allowed by zoning only, shall have vertical posts and horizontal rails maintained in good condition. Terminal posts shall be set in concrete footings and line posts may not exceed eight (8) foot spacing. Tension wires shall be heavily galvanized and maintained in good condition. Fence fabric shall be heavily galvanized type and maintained in good repair. Leaning posts and damaged rails shall not be allowed.

302.7.4 Picket, Wood, PVC, and other fences not otherwise addressed. Fences shall be kept in good repair with fence posts that are vertical and not leaning nor damaged and horizontal rails in good shape with vertical (or installed in an otherwise architecturally pleasing manner) pickets or planks in good repair.

302.7.5 Installation of Wood Fences: When installing a fence on corner lots or anywhere the fence is visible from the street, the wooden slats or planks will be on the outside of the framing. Fence posts should not exceed height of the slats or planks except for Decorative Design purposes and pre-engineered sections.

Section 302.8.1 thru 302.8.4: insert new sections as follow:

302.8.2 Motor Vehicle Repairs: Motor vehicle repair is prohibited on residentially zoned property. This includes removal or replacement of mechanical parts or assemblies, body or chassis dismantling or painting. Minor maintenance is permitted with maximum of 5 working days; if the repairs will take longer than 5 working days, vehicle must be stored in a garage or approved accessory structure out of public view.

302.8.2.1 Types of maintenance allowed: Only minor work such as an oil change, tire repair, small part change, or minor routine maintenance may be

performed. No engine/transmission rebuilding, bodywork, painting, or other major repairs are allowed nor any repair in violation of Zoning Regulations.

302.8.2.2 Vehicles to be repaired: Must be registered to residents of the home or dwelling where the work takes place or registered to the resident's immediate family member.

302.8.2.3 Areas where repairs may be performed: Limited to the driveway or garage; at no time can repairs be made on the lawn, sidewalk or the street.

302.8.3 Vehicle sales: Limited to five (5) sales per calendar year and vehicles must be registered to a resident of the home or dwelling where they are being sold. Within this Code, Vehicles with "For Sale" signs may only be parked in the driveway; never on the front lawn, side yard, sidewalk, or on any street.

302.8.4 Vehicle Parking:

The parking of automobiles in the front yard, side yard, or on the street side of a corner lot of a residence is prohibited, except where an approved concrete, asphalt, stone or gravel driveway is provided.

Section 302.10. Add new section as follows:

302.10 Outdoor Storage: All property shall be maintained neatly without clutter at all times.

302.10.1 Carports: Open carports are to be kept clean and uncluttered without stored furniture, appliances, machinery, or equipment.

302.10.2 Front and other visible yard spaces: Front and side yards visible from the street are to be kept neat and free of outdoor storage of debris, rubbish, equipment, clutter, and other items not natural to the space. Items used for other than intended use are prohibited where, in the opinion of the code official, they cause a blight or are

visually detracting to the harmony of the surrounding properties, e.g., recycling bins used as planters.

302.10.3 Boats and Trailers: Boats and trailers shall not be parked in front yards but instead in side and rear yards out of view from the street to the greatest extents possible.

302.10.4 Appliances: Appliances intended for interior spaces shall not be kept outside within view of the street. Appliances designed and installed for exterior areas shall be installed in a manner that minimizes their view from the street.

302.10.5 Furniture: No furniture intended for interior spaces may be stored on porches, carports, nor anywhere in view of the street. Portable furniture designed for outdoor spaces such as patio chairs shall be kept neat and in good repair and shall not be left in front yards as outdoor storage except while in use or if on a special area such as a gazebo designed for such use. Concrete outdoor furniture such as picnic tables and benches may be neatly installed and shall be maintained in good repair.

302.10.6 Building Accessories: Materials used as screens, drapes, shades, and partitions shall be manufactured for the intended purpose.

Section 304.14. Insect screens. Insert “January 1” and “December 31”

Section 308.3: Amend to read: **Disposal of Garbage:** Every occupant of a structure shall dispose of garbage in a clean and sanitary manner.

Section 308.4 Add new Section to read as follows: **Dumpsters:** When business owners provide dumpsters for the collection of garbage, refuse, trash or debris, the dumpster(s) shall be of adequate size or number necessary to support the operation of that business. In addition, when dumpster(s) are full, they must be emptied within 3 working days. Violation of this ordinance shall constitute a misdemeanor punishable in accord with

Section 1-9 of the Code of Ordinances and everyday any violation of this ordinance shall continue shall constitute a separate offense.

Garbage, refuse, and trash must not accumulate around or adjacent to the dumpster. The area around the dumpsters must be maintained in a clean and sanitary condition. It is the responsibility of the owner, occupant or lessee to take all necessary and legal precautions available in order to minimize or stop the illegal use or placement of garbage, refuse, or trash in containers intended for that business.

After an owner has received three notifications/warnings that a dumpster or refuse container area is not being maintained in a clean and sanitary manner and/or causing a public nuisance, the owner shall be responsible for the construction of lockable barriers or fencing consistent with current building codes, zoning ordinances and surrounding architectural standards in order to secure the dumpster/refuse area within sixty calendar days of such notice.

Section 506.1. General. Insert “(Refer to Section 504.1) at the end of the paragraph.

Section 602.3. Heat supply. Insert “January 1” and “December 31”

Section 602.4. Occupiable work spaces. Insert “January 1” and “December 31”

SECTION 3. That Ordinance No. 2562 of the City of Gulfport by which the City of Gulfport adopted the *International Property Maintenance Code*, 2006 edition, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof,

irrespective of the fact that any one or more sections, subsection, sentences, clauses and phrases be declared unconstitutional.

SECTION 5. That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 6. This ordinance shall be in full force and effect January 1, 2015. It shall be published according to law and shall be spread on the minutes of the Gulfport City Council.

The above and foregoing Ordinance, after having been first reduced to writing and read by the Clerk, was introduced by Councilmember Sharp, seconded by Councilmember Flowers, and was adopted by the following roll call vote:

YEAS:

Casey

Dombrowski

Holmes-Hines

Walker

Sharp

Flowers

Pucheu

NAYS:

None

ABSENT:

None

WHEREUPON the President declared the motion carried and the Ordinance adopted, this the 2nd day of December, 2014.

(SEAL)

ATTEST:

/s/ Ronda S. Cole

CLERK OF THE COUNCIL

ADOPTED:

/s/ F.B. “Rusty” Walker, IV

PRESIDENT OF THE COUNCIL

The above and foregoing Ordinance having been submitted to and approved by the Mayor, this the 3rd day of December, 2014.

APPROVED:

/s/ Billy Hewes

MAYOR