

There came on for consideration at a duly constituted meeting of the Mayor and Members of the Board of Aldermen of the City of Madison, Mississippi, held on the 3rd day of December 2024, the following Ordinance:

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF MADISON ADOPTING THE 2021 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND FOR RELATED PURPOSES

WHEREAS, the City of Madison finds that its residential neighborhoods and properties within the City limits could experience declining property values, a concomitant loss of City property tax revenue, and a decline in health, safety, and quality of life due to a lack of inspection and preventive and ongoing maintenance for an increasing number of properties; and

WHEREAS, the City has received numerous complaints from residents regarding unabated nuisances and risks to health, welfare, and safety caused by poorly maintained properties in their neighborhoods and throughout the City, including single family homes, resulting in sanitation problems, traffic safety issues, environmental and health concerns, and code violations; and

WHEREAS, the City finds and declares a compelling interest in establishing standards for regulating, maintaining, and enforcing property maintenance standards in order to ensure decent, safe, and sanitary properties in the City and its residential neighborhoods; and

WHEREAS, the City has a duty and need to enact regulations that establish safe standards related to preventive and ongoing property maintenance, and enable the City to effectively regulate, maintain, and enforce property maintenance standards, and if necessary, repair properties, in order to protect the overall health, safety, and welfare of the City's residents; and

WHEREAS, *Miss. Code Ann. 21-17-5* authorizes the City to adopt ordinances with respect to the care, management, and control of its municipal affairs, property, and finances; and

WHEREAS, *Miss. Code Ann. Sec. 21-19-25* authorizes the City to adopt codes by ordinance dealing with the general public health, safety, or welfare, or a combination of the same; and

WHEREAS, the City has previously adopted versions of the International Property Maintenance Code, 2012 Edition on November 4, 2014 and 2018 Edition on December, 2018; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF MADISON, MISSISSIPPI, AS FOLLOWS:

SECTION 1. That the matters and things set forth in the above preamble are hereby accepted and stated as the findings of the Governing Authority.

SECTION 2. Adoption of the 2021 Property Maintenance Code. That pursuant to the provisions of *Miss. Code Ann. Sec. 21-17-5*, and *Miss. Code Ann. Sec. 21-19-25* the City of Madison adopts the herein described International Property Maintenance Code as published by the International Code Council, 2021 Edition, which Code is on file and available for viewing at City Hall, including the identified amendments, additions, insertions, deletions, and changes as follows:

Section A101.1 Title. Insert "City of Madison, Mississippi"

Section A102.3 Application of other codes. Delete "Energy Conservation Code" and delete "International Zoning Code" and replace with "Zoning Ordinance for the City of Madison"

Section A103. Creation of Agency. Insert "Code Enforcement Department"

Section 107. Means of Appeal. Delete in Entirety.

Section 108. Board of Appeals. Delete in Entirety and Replace with "Appeal of any charge not in the Environmental Court may be made in writing to the Mayor and Board of Aldermen."

Section 111.4.1.5. Delete in Entirety.

Section 112.6. Hearing. Delete "appeals board" and replace with "Mayor and Board of Aldermen"

Section 202. General Definitions. Code Official. Add "Code Official includes the Building Official or any Code Enforcement Officer of the City"

Add "Governing Authorities. The Mayor and Board of Aldermen of the City of Madison, Mississippi. This is also the definition of "chief appointing authority," "board," and similar terms indicating the final authority within the City."

Section 3.2.4 Weeds. Delete in entirety and replace with "All premises and exterior property shall be maintained free from excess weeds or plant growth in excess of a reasonable and appropriate height. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Nothing in this ordinance shall

in any way diminish or limit the right of the City to pursue any remedial action available under state law."

Section 302.8 Motor Vehicles. Add after "dismantled" "Covering a vehicle with a car or vehicle cover does not remedy the violation of keeping or storing on any premise a vehicle that is in a state of major disassembly, disrepair, or in the process of being stripped or dismantled."

Delete "Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes."

Add "Parking of cars, trucks, SUVs, and motorized bikes, are prohibited from parking with the required front, side, and back yards except on a paved driveway or other hard surface area normally considered the driveway of the lot, parcel or tract. Such vehicles may be parked or stored in a garage or in a carport or in the driveway. No motorized vehicles shall be parked in the grass and/or yard area- this includes the front, side, or back yard. All motor vehicles and motorized bikes must be parked on a paved driveway or other hard surface area normally considered the driveway of the lot, or in the garage and/or carport.

Add "Section 302.8.1. Prohibitions.

- a) No motor vehicle may park in a manner that obstructs access to any U.S. mailbox.
- b) No motor vehicle may park on any street when such vehicle constitutes a hazard to public safety, or is an obstruction to the flow of traffic.
- c) No truck rated more than one (1) ton, trailer (low-boy, flat bed or any other trailer of any kind or trailers), tractor or other machine or heavy equipment shall be parked upon any residential property in the yard, driveway, or on the adjacent street, other than for service and delivery purposes."

Add "Section 302.8.2 Height and Weight Restrictions to Residential Property. Any vehicle which exceeds either (8) feet in height at any point, but less than (12) twelve feet in height at any point, or exceeds twenty (20) feet in length or exceeds 8,000 pounds gross vehicle weight, and without regard to size, any recreational vehicles, boats, personal water crafts, motor homes, truck campers, travel trailers, tent trailers, camping trailers, motorized dwellings, fifth wheels, mobile homes, house trailers, trailers, semi-trailers, horse trailers, airplanes, airplane gliders, off-highway motor vehicles, snowmobiles, sand buggies, dune buggies, all-terrain vehicles, tractors, implements of husbandry, special mobile equipment, buses, or any other major recreational equipment shall be parked or stored in a garage, carport or fenced area behind the rear line of the principal building, but no closer than ten (10) feet to any property boundary line and no closer than the rear line of the principal building; provided, however, motor homes may be parked on a driveway at a residence for up to 72 hours in a 30 day period.

Any vehicle which exceeds twelve (12) feet in height at any point or exceeds twenty (20) feet in length or exceeds 8,000 pounds gross vehicle weight, including any recreational vehicles, boats, personal water crafts, motor homes, truck campers, travel trailers, tent trailers, camping trailers, motorized dwellings, fifth wheels, mobile homes, house trailers, trailers, semi-trailers, horse trailers, airplanes, airplane gliders, off-highway motor vehicles, snowmobiles, sand buggies, dune buggies, all-terrain vehicles, tractors, implements of husbandry, special mobile equipment, or any other major recreational equipment shall be parked or stored in a garage, carport or fenced area behind the rear line of the principal building if the if the area of the property is one (1) acre or more, but no closer than ten (10) feet to

any property boundary line and no closer than ten (10) feet to the rear line of the principal building.

No more than one recreational vehicle may be stored outside an enclosed structure on any lot with an area less than one acre."

Section 602.4 Occupiable Work Spaces. Delete "during the period from [Date] to [Date] to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied."

SECTION 3. Severability and Validity Clause. 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 of Madison 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, subsections, sentences, clauses and phrases be declared unconstitutional.

That nothing contained in this Ordinance or in the International 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; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 4. Adoption Clause. That this Ordinance shall be published according to law and shall be spread on the Minutes of the City of Madison.

SECTION 5. Repeal of Conflicting Ordinances. All other Ordinances, Resolutions or Orders or portions thereof that conflict with the terms and provisions of this Ordinance are hereby repealed.

SECTION 6. This Ordinance shall be effective thirty (30) calendar days from and after its adoption.

THE ABOVE AND FOREGOING ORDINANCE having previously been reduced to writing, and no request being made by the Mayor or any member of the Board of Aldermen that the Ordinance be read by the City Clerk before any vote was taken, was introduced Alderman Jarvis and seconded by Alderman Strain and was adopted by the following roll call vote:

Alderman Strain voted:	Aye
Alderman Tatum voted:	Aye
Alderman Peeler voted:	Aye
Alderman Jarvis voted:	Aye
Alderman Tankersley voted:	Aye
Alderman Hudgins voted:	Aye
Alderman Bowering voted:	Pro tempore

WHEREUPON, the foregoing Ordinance was declared passed and adopted at a regularly scheduled meeting of the meeting of the Mayor and Board of Aldermen of the City of Madison, Mississippi, on this the 3rd day of December, 2024.

Guy S. Bowering
Guy S. Bowering, Mayor Pro Tempore

ATTEST:

Susan B. Crandall
Susan B. Crandall, City Clerk

