

CODE OF ORDINANCES
City of
JACKSON, MISSISSIPPI

Codified through
Ord. No. 2007-4(10), adopted Jan. 1, 2007.
(Supplement No. 19)

DISORDERLY HOUSES

Sec. 86-20.

(a) **Definitions.** For purposes of this section:

"Disorderly house" means a dwelling where prohibited conduct occurs and it includes the outside area contiguous to and surrounding the structure such as a yard or lot under the same ownership. If the dwelling is a duplex, triplex or quadplex, this definition applies only to that dwelling unit, on which prohibited conduct occurs.

"Owner" means:

- a. The recorded owner of the property, as determined by the records of the Hinds County Tax Assessor's office;
- b. Any party with an equitable interest in the property, provided that such equitable interest is recorded; and
- c. The trustee of a land trust, if the land trust holds title to such property.

"Occupant" means any person over 17 years of age whose domicile is the property upon which the prohibited conduct has been found to have occurred.

"Vacant" means a building which is lacking the habitual presence of human beings who have a legal right to be on the premises, or at which substantially all lawful residential occupancy has ceased.

"Prohibited conduct" means activities occurring in violation of the statutes or ordinances relating to any of the following:

- a. Discharge of firearms, as prohibited by state or local law;
- b. Failure to keep vacant property secured against entry, in violation of the ordinance requiring the registration of certain vacant buildings or any other fire or property maintenance codes constitutes prohibited conduct regardless of whether the city has issued a citation for the violation, issued an order to secure, or taken action to abate the condition.
- c. Violations of any Mississippi statute governing the sale, use, possession, delivery or receipt of illicit drugs or controlled substances:

(b) **Public nuisance.** Whenever prohibited conduct as defined in subsection (a) of this section occurs in or upon a building, dwelling, establishment, premises or place, the city deems the building, dwelling, establishment, premises or place to be a disorderly house and a public nuisance.

(c) Notice to abate. Whenever the Jackson Police Department has probable cause to believe that prohibited conduct has occurred in or upon a dwelling, the city shall notify the owner of the property, and the occupants of the property that the dwelling is a disorderly house and as such constitutes a public nuisance and that they must abate the public nuisance.

(d) Manner of serving notice. The city shall provide notice to the owner of the property and the occupants of the property in any manner provided by Rule 4 of the Mississippi Rules of Civil Procedure. The city deems the owner of the property and the occupants of the property responsible for any and all prohibited conduct occurring upon the premises after receipt of the notice.

(e) Penalty and injunctive relief. Whenever prohibited conduct occurs upon a property after the city has provided notice to abate the public nuisance, the city may:

- (1) File an action in any court of proper jurisdiction against the owner and/or occupants to enjoin the nuisance; and/or
- (2) File an affidavit in municipal court alleging said violation and requesting that any and all owners or tenants be fined not more than \$1,000.00. Each day that such condition continues shall be regarded as a new and separate offense. In determining the amount of the fine to be imposed, the court can consider the attempts made by the property owners or occupants to address the public nuisance.

(f) Criteria for establishing violations. The conviction for violation of this section will be determined by the appropriate judicial authority based upon the totality of the circumstances present, including but not limited to, the owner having received notice as set forth above consisting of one of the following activities:

- (1) Conduct of tenant(s) and his/her visitors as observed by the lessor, or city officials, or agencies, or political subdivisions thereof; or
- (2) Information regarding suspected illegal activities on that property received by the owner or equitable owner as determined by the land records of the Hinds County Chancery Clerk's Office, from third parties, such as other tenants of the property or persons residing or working in the vicinity of the property, and investigated by any law enforcement agency or department of the City of Jackson or State of Mississippi.

(g) Eviction proceedings as a defense. No owner shall be liable for a violation of this section if such owner initiates an eviction proceeding within 30 days of receipt of notice of the prohibited conduct set forth in this section, and diligently pursues eviction proceedings to completion.

(h) Civil forfeiture of property. The City of Jackson, after obtaining one conviction for the violation of any law regarding illicit drugs or controlled substances, may give the property owner notice that any subsequent violation on the property may result in the civil forfeiture of the property. This provision is subject to any and all Constitutional provisions, statutory provisions contained in 21 U.S.C. § 881 or 18 U.S.C. § 985, and any other state or federal law pertaining to civil forfeiture.