
CODE ENFORCEMENT - MISSISSIPPI

Baymeadows, LLC v. City of Ridgeland

Supreme Court of Mississippi - February 6, 2014 - So.3d - 2014 WL 465698

Property owner appealed decision of city's board of aldermen that denied property owner's proposed repair plans to correct code violations regarding its apartment complex. The Circuit Court affirmed. Property owner appealed.

The Supreme Court of Mississippi held that:

- City could not use criminal pretrial diversion agreement (PDA) as basis to deny property owner's right to make repairs to its property;
- That property owner failed to submit camera inspection and repair plan for sewer lines was not basis on which board could deny approval of repair plans; and
- Board's failure to provide any explanation in its minutes as to what made safety plan, erosion-control plan, and interior remodeling plan inadequate warranted remand.

City could not use criminal PDA, which was entered into with property owner in prosecution arising from failure to correct property and maintenance code violations, as basis to deny property owner's right to make repairs to its property. Compliance with PDA and property owner's ability to submit repair plans for approval under city ordinances were two distinct issues.

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