

Q&A about Biloxi's debris removal plan

Q: I've read where the city intends to remove debris from private residential property in the areas of Point Cadet, Eagle Point and Holly Hills. How is the process going to work?

A: Initially, the city identified Point Cadet, Eagle Point and Holly Hills as areas where it intended to enter private residential property to remove debris. These three areas were made a priority because of their huge amounts of debris.

If you own property in any of those three areas, you should contact the Community Development Department (either in person at 676 Dr. Martin Luther King Jr. Boulevard, by telephone at 435-6280 or via e-mail at dking@biloxi.ms.us) to either sign a Right of Entry Agreement that allows the city to remove debris from your property, or you can notify the city that you plan to remove the debris yourself.

The city has published public notices listing the names of property owners, parcel numbers and addresses of properties on Point Cadet, Eagle Point and Holly Hills where it intends to remove debris. Signs were posted on individual properties to help notify owners of the city's intent, and public hearings are planned where property owners can appeal the city's intent to clear their property.

Regardless of the position of individual property owners, the decision on whether the city will remove debris from private property will be based on whether the debris constitutes a threat to public safety or public health, and, if you propose to remove the debris yourself, the city will determine whether your plan is acceptable. The fact is, public safety and health concerns are going to drive this effort.

Q: Are there any plans for the city to remove debris from private property located in areas other than Point Cadet, Eagle Point or Holly Hills?

A: Private residential properties outside of the condemnation areas are indeed eligible to have the city remove debris; in fact, the city has already announced plans to remove debris from private property in a large section of east Biloxi.

Biloxi property owners with debris on their property should visit the Community Development Department on MLK Boulevard to sign a Right of Entry Agreement. Once that form is signed, the city will have the ability to clear the property.

However, property owners should understand that the city is focusing on clearing private residential properties only where a threat to public health or safety exists. Otherwise, the property owner will be responsible for moving debris to the curb or roadside, where the city will then pick it up.

At this time, FEMA has granted the city authority to remove property from commercial parcels on a case-by-case basis. Meantime, if the debris is moved to the curb or roadside, off the commercial property, the city can remove it from that point.

Q: What if I do not want the city to remove debris from my property?

A: You can post a sign on your property that reads "Private property – do not remove debris." Property owners are not obligated to sign a Right of Entry Agreement. However, if the debris on your property – whether it's residential or commercial – is deemed to be a threat to public safety or health, the city may take measures to resolve the issue.

Once the city's debris removal contract has expired, the city will eventually begin code-enforcement proceedings in cases where debris constitutes a threat to public safety or health, and property owners will either have to remove the debris or the city may be forced to remove it and place a lien against the property to cover the costs of removal.

Q: What is the timetable for the city to clear debris from private property?

A: Under its debris removal plan, the city is working to expeditiously remove all hurricane debris.

Any property owner who has the means and the opportunity to move debris to the curb or roadside in front of their property should do so now.

Regarding the timeframe of the overall storm debris removal efforts, the city plans to continue its efforts as long as necessary. The timeframe will be influenced by FEMA's reimbursement schedule. Currently, FEMA is reimbursing the city 100 percent of the cost of debris removal through Nov. 28, but the city has asked the state's congressional delegation in Washington to seek extension of that deadline.

Q: Debris-removal contractors damaged my fence when removing debris. Will they replace the fence or reimburse me?

A: All claims for damage are the responsibility of the debris-removal contractors. Those contractors and their areas of responsibility are:

- Point Cadet to central Biloxi: Yates Construction
- West Biloxi and area north of Bay but south of I-10: Crowder-Gulf joint venture
- Woolmarket and areas north of I-10: Ceres Environmental

Debris monitors working in each area of the city can provide a damage report for property owners and help resolve complaints and damage. Contact Neel-Schaffer at (228) 374-1211 if you need assistance in dealing with the contractor or have damage to your property resulting from debris removal.

Q: Will the city also remove storm debris from commercial property?

A: In mid-November, after requests from the City of Biloxi, FEMA agreed to reimburse the city for expenses involving the removal of debris from commercial

properties – on a case-by-case basis.

Commercial property owners, as a result of this announcement, should complete a right of entry form, just as the city is advising residential property owners to do.

Meantime, property owners, if able, are encouraged to move debris from their property to the curb or roadside, where city are better able to remove it.

Q: What is the city's plan to remove abandoned cars and trucks that were damaged by the storm?

A: Vehicles found during the debris-removal process, either on public rights of way or on private property, are considered storm-related debris.

These vehicles may pose a threat to public safety and public health because they contain gasoline, oil, and since they may have been inundated by storm water, they may contain mold and mildew.

Under the city's storm-debris removal plan, these vehicles will be tagged with a brightly colored "Towing Notice" that alerts owners that the vehicles may be towed within 48 hours. As of mid-November, more than 1,800 vehicles have been marked for towing, and towing was scheduled to begin by the third week in November.

The city's ultimate goal is to move the vehicles to a central location and take steps to reunite them with their owners. Owners will not have to pay a fee for vehicles towed by the city's storm-debris removal teams, nor will there be any storage fee since the vehicles will be stored on public property.

If your vehicle has been tagged for towing and you have other plans for the vehicle, simply remove the "Notice of Towing" sticker, and crews will attempt to work around the vehicle.



RIGHT OF ENTRY AGREEMENT

Property owner must fill this form out at the Community Development Department, 676 Dr. Martin Luther King Jr. Blvd., Biloxi, weekdays between 7:30 a.m. and 5 p.m..

I/We _____, the owner(s) of the property commonly identified as

_____, City of Biloxi, Harrison County, State of Mississippi, do hereby request aid in removing debris to prevent further damage to my property and therefore grant and give freely and without coercion, the right of access and entry to said property to the City of Biloxi, Mississippi, its employees, agents, contractors, and subcontractors, thereof, or the United States Government, its employees, agents, contractors, and subcontractors thereof, pursuant to Section 33-15-49, Mississippi Code of 1972, annotated, and other applicable laws for the purpose of removing and clearing any or all storm-generated debris of whatever nature from the above described property.

It is fully understood that this permit is not an obligation to perform debris clearance. The undersigned agrees and warrants to hold harmless, the City of Biloxi, State of Mississippi and the United States Government, their agencies, contractors, and subcontractors, for damage of any type, whatsoever, either to the above described property or persons situated thereon and hereby release, discharge and waive any action, either legal or equitable that might arise out of any activities on the above described property. To the extent it is safe and feasible to do so, the property owner(s) will mark or designate any storm damaged sewer lines, water lines and other utility lines located on the described property.

I/We (have ____, have not ____), (will ____, will not ____) receive(d) any compensation for debris removal from any other source including SBA, NRCS, private insurance, individual and family grant program or any other public assistance program. I/We will report any insurance settlements made to me/us or my/our family for debris removal on this property that has been performed at government expense. I am fully aware that an individual who fraudulently or willfully misstates any fact in connection with this agreement shall be subject to a fine of not more than \$10,000 or imprisoned for not more than one year or both. For the considerations and purposes set forth herein, I hereby set my hand this _____ day of _____, 2005.

Owner

Owner

Address

Telephone Number

Notary

Do you want your house on your property demolished? _____

Is there another structure that you want removed? _____

Property owner must fill out this form at the Community Development Department, 676 MLK Blvd., Biloxi.

Revised November 2005