

Hattiesburg City Council Rental Properties Committee Meeting

- 1. 2016-97 Rental Properties Committee Meeting Packet**
 1. Committee Packet, 11-1-16



City of Hattiesburg, MS

200 Forrest St.
P.O. Box 1898
Hattiesburg, MS 39401

FILE NUMBER: 2016-97

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<u>Title:</u> Rental Properties Committee Meeting Packet

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City Council

From: Jonathan Farris <jfarris327@aol.com>
Sent: Wednesday, October 12, 2016 2:27 PM
To: City Council
Cc: Evans, Jerry
Subject: Meeting with Councilmen Carter Carrol

Mrs. Bernardo,

I received your message concerning Councilmen Carrol's request to meet with me to show me photos of certain properties and to discuss the same. With all do respect I cannot participate in such a meeting because it would be considered "ex parte" communication which is prohibited. An ex parte communication occurs when a party to a case, or someone involved with a party, talks or writes to or otherwise communicates directly with a judge about a pending or impending case without the other parties' knowledge. As Judge for the Hattiesburg Environmental Court I am prohibited by the Mississippi Code of Judicial Conduct and Rules of Professional Responsibility from initiating, permitting, or considering "ex parte" communication about a pending or impending case that may come before me for adjudication. This ban is designed to help judges decide cases fairly since their decisions are to be based solely only on the evidence and arguments presented to the Court and the applicable law.

Which is why violations of said ban can result in removal from judicial office and disbarment. And for clarification I know Councilmen Carrol was not aware of my professional obligations in regard to the ban on ex parte communication when he requested we meet.

In terms of Environmental Court, I preside over cases brought before the Court through written citations and/or affidavits filed by Code Enforcement, the Fire Department, and Animal Control. The Court has absolutely no jurisdiction or authority over any of these departments or their cases until the enforcement officers have issued a citation to the alleged violator and filed the same with the Court for adjudication. In other words if a department never issues a citation for a certain violation then the Court never has an opportunity to address the alleged violation.

Also, these departments and not the Court are vested with the police power to investigate violations of the law and to bring cases before the Court for adjudication. In my capacity as Environmental Court Judge I have no authority over any department in terms of management or the exercise of their police powers. As such the chief or director of the department at issue would be the person suited to address concerns as to the manner in which the department at issue is or is not exercising their police powers in regard to violations of certain laws and/or ordinances (i.e. Why the department is not issuing citations for certain violations?).

Again I send this email with all do respect and to simply clarify my legal and ethical obligations as Judge for the Hattiesburg Environmental Court. I certainly hope Councilmen Carrol will understand and appreciate the same.

With kindest personal regards.

I am sincerely,

Jonathan M. Farris

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Proposed Addition options for placement:

Section 22 Article XV or Section 14 Article IV

() RENTAL HOUSING CODE

Sec () () – Scope

This code shall apply to all rental housing units located within the City of Hattiesburg, Mississippi including manufactured homes, single family homes and multifamily units. This code establishes the requirements for the registration of rental housing in Hattiesburg to protect the health, safety and welfare of the community.

Sec () () Registration Required

It shall be unlawful for any person and/or entity to maintain or operate any rental housing unit or units within the City of Hattiesburg unless such person or entity has registered the property.

- (a) All landlords or entities who have rental property within the city are required to register their property(ies) before the property is rented.
- (b) The annual registration fee shall be twenty-five dollars (\$25.00) per dwelling unit and payable upon application for registration. Regardless of when rental property is initially registered, registration shall expire on September 30 of each year. Annual Registration, as set forth in () herein below, shall be due on October 1 of each year.
- (c) Once a property is registered, a late penalty fee of \$10 per unit shall be assessed on Nov 1, Dec 1 and January 1 for each month the registration renewal is past due. A \$350.00 penalty fee will be assessed for failure to register a dwelling unit on or before January 15 where registration was due October 1 of the preceding year.
- (d) If the (city department) determines that a property has been rented without having been registered, a \$350 penalty will be assessed in addition to the \$25.00 rental fee per rental unit and yearly registration shall be required.
- (e) For non-rental property that is converted to rental property after Oct 1, the annual registration fee of \$25.00 shall be assessed.

Sec () () Annual Registration Application

- (a) Application for annual rental housing registration shall be filed with and issued by (designated department). The application shall be in writing, signed by the property owner agent or designee and shall include the following:
 - (1) The name and address of the applicant
 - (2) Local Agent name, address and contact information if the owner does not reside within 60 miles of the rental unit or cannot be contacted and provide a reasonable prompt response in the event of an emergency.
 - (3) Proof of ownership must be provided if the owners name differs from Forrest County records
 - (4) The location and parcel number of the property on which the rental housing unit is located
 - (5) For new construction, copy of certificate of occupancy for each unit.

- (b) By registering rental units, the owner and local agent agree to comply with the following:
- (1) All outstanding violations, fees and/or fines or dues owed to the City of Hattiesburg by the owner must be paid before registration can be granted.
 - (2) Any change in ownership of a rental unit shall require the new owner to apply for registration within 30 days of taking ownership.
 - (3) No rental unit shall be rented or leased in a manner that would violate occupancy as permitted by the City of Hattiesburg.
 - (4) All rental units are maintained in accordance with International Property Maintenance Code as adopted by the City of Hattiesburg () ()

Sec () ()

(a) Occupancy and Termination

- (1) Rental Registration of a unit shall be required for all units in which property owner does not reside in accordance with the zoning of said property.
- (2) Property owner must provide a copy of recorded deed of ownership together with a statement of homestead in order to terminate the requirements of this section for a property or unit registered as a rental.
- (3) The revocation of a rental registration shall be possible by the City Environmental Court and in tandem of penalties levied as a result of non-compliance with city code.

Sec () ()

In any case where a provision of this code is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the city, existing on the effective date of this code or such time after, the provision which establishes the higher standard for the promotion and protection of the health and safety of the community shall prevail.

Registration No. _____

CID No. _____



CITY OF TUPELO ANNUAL RESIDENTIAL RENTAL PROPERTY REGISTRATION FORM

Registration Fee Period: October 1, 2014 to September 30, 2015

71 EAST TROY STREET, TUPELO, MISSISSIPPI 38804

PHONE: 662.841.6510 FAX: 662.841.6550

EMAIL: nikki.burton@tupeloms.gov

Owners Contact Information (Indicate Registered Agent if owned by a Corporation)

☐ Check here if contact information has changed

Owner's Name: _____

Mailing Address: _____
Street

Mailing Address: _____
City State Zip Code

Telephone: _____ Cell: _____

Fax: _____ E-mail Address: _____

Local Agent Information: If the Owner does not reside within 60 miles of the rental unit OR is not able to be contacted on a 24-hour basis, the Owner must provide information for a Local Agent who resides in Lee County or an adjoining County AND is able to respond reasonably in the event of an emergency on a 24-hour basis.

☐ Check here if contact information has changed

Agent's Name: _____

Mailing Address: _____

Telephone: _____ Cell: _____

Fax: _____ E-mail Address: _____

Fee Schedule

Number of Units: _____ @ \$25.00 each Total Amount Due: _____

Unit Type: *(please circle all that apply)*

Single Family ☐

Duplex ☐

Three-Plex ☐

Four-Plex ☐

Multi-Family ☐

Terms of Residential Rental Registration Program

By signing this form the Owner and Local Agent (if applicable) agree to comply with the following terms:

- **NO OWNER SHALL BE ALLOWED TO REGISTER ANY PROPERTY IF THE OWNER HAS OUTSTANDING VIOLATIONS, FEES, AND/OR FINES DUE AND OWING TO THE CITY OF TUPELO.**
- Any changes occurring in ownership of a rental unit shall require the new owner to apply for registration within 30 days of taking ownership.
- No rental unit shall be rented or leased or offered for rent or lease in a manner which would result in violation of the occupancy levels permitted by the 2006 ICC Property Maintenance Code, Tupelo Development Code or a Certificate of Occupancy.
- That both the interior and exterior of each rental property shall be periodically inspected by the Building Official, under the provisions established by the adopting Ordinance.

FAILURE TO REGISTER

That failure to adhere to these terms and others outlined in the adopting Ordinance may result in violation of the Rental Registration Ordinance in a \$350 fine.

I hereby declare under penalty of perjury that all information given on this application for the purpose of securing a Certificate of Residential Rental Registration, and determining the amount due is true and correct.

Signature of Owner OR Owner's Agent

Date _____

Approved by _____

Date _____

[illegible]

ARTICLE XII. - RENTAL HOUSING CODE^[11]

Footnotes:

-- (11) --

Editor's note—An ordinance adopted Nov. 1, 2011, repealed Ch. 7, Art. XII, Divs. 1—3, §§ 7-200—7-207, 7-215—7-222, 7-230—7-233, in its entirety and enacted new provisions to read as herein set out. Prior to this amendment, Art. XII pertained to similar subject matter. See Code Comparative Table for derivation.

State Law reference— Housing Authorities Law, MCA 1972, § 43-33-1 et seq.

DIVISION 1. - GENERALLY

Sec. 7-200. - Scope.

This code shall apply to all rental housing units located within the City of Tupelo, Mississippi, including manufactured homes, single family homes and multifamily units. The intent of this code is to establish base standards for rental housing in Tupelo so as to prevent or correct slum and blighted conditions and protect the health, safety and welfare of the community.

(Ord. of 11-1-11(2), § 1)

Sec. 7-201. - Designation of administrator.

The Director of the Development Services Department for the City of Tupelo is hereby designated as the administrator of this article and may delegate duties of this code to the building inspectors, code enforcement officers and other employees of the development services department or other employees of the City of Tupelo.

(Ord. of 11-1-11(2), § 1)

Sec. 7-202. - Registration required.

It shall be unlawful for any person and/or entity to maintain or operate any rental housing unit or units within the City of Tupelo unless such person or entity has registered the property.

(Ord. of 11-1-11(2), § 1)

Sec. 7-203. - Registration fee.

- (a) All landlords or entities who have rental property within the city are required to register their property(ies) before the property is rented.
- (b) The full registration fee of twenty-five dollars (\$25.00) per rental unit shall be due upon registration. Regardless of when the rental property is initially registered, registration shall expire on September 30 of each year. Registration renewal, as set forth in section 7-204 herein below, shall be due on October 1 of each year. Prior to October 1 of each year, the department of development services shall mail an invoice for registration renewal to the owner at the address given on the annual registration application.
- (c) If the annual registration is not paid within six (6) months after October 1, a citation will be issued requiring mandatory court appearance requesting revocation of the certificate of occupancy for each unit and payment of all due rental fees.
- (d) [For] new rental properties that are established after October 1, fees will be prorated for the actual months of rental use.
- (e) If the department of development services determines that property has been rented without having been registered, a penalty of three hundred fifty dollars (\$350.00) will be assessed and the fee of twenty-five dollars (\$25.00) per rental unit.

(Ord. of 11-1-11(2), § 1; Ord. of 1-22-2013, § 2)

Sec. 7-204. - Annual registration application.

- (a) *Annual registration.* Application for an annual rental housing registration shall be filed with and issued by the department of development services. The application shall be in writing, signed by the property owner, agent or designee and shall include the following:
 - (1) The name and address of the applicant;
 - (2) Proof of ownership must be provided if the information provided differs from Lee County records;
 - (3) The location and parcel number of the property on which the rental housing unit is located;
 - (4) For new construction, a complete site plan of the complex showing it is in conformity with the requirements included within this rental housing code;
 - (5) For new construction, plans and specifications of all buildings, improvements and facilities to be constructed within the rental housing complex or on the same property as the rental housing unit.
 - (6) Such other information as may be requested by the department of development services to enable it to determine if the proposed rental housing unit or complex will comply with all codes and ordinances adopted by the City of Tupelo.

- (b) *Inspection required.* Before any registration is issued by the department of development services the applicant must authorize the administrator or designee to inspect the rental housing unit or complex for which an application for registration has been made. The administrator or designee may inspect only a portion of the rental units within a rental housing complex if the administrator or designee determines an inspection of the entire complex is not needed. Every landlord who retains all utilities in his/her name is required to have all rental units inspected every six months and with each tenant change. All utilities must be turned on at the time of the inspection in order to inspect all systems, appliances and equipment.
- (c) *Registration renewal.* Upon application in writing for renewal of a registration issued under this chapter and upon payment of the annual registration fee, the department of development services shall issue a certificate renewing such registration for another year. the department of development services may, in its discretion, inspect the rental housing unit or complex for which application is being made before a renewal of the registration is issued.
- (d) *Registration transfer.* Upon application in writing for transfer of a registration accompanied by an application with the transferee's information and payment of the transfer fee, the department of development services shall issue a transfer if the application is found to be in compliance with this chapter. A fee of twenty-five dollars (\$25.00) will be charged for transfer of any property or properties.
- (e) *Certificate of occupancy requirements.* In accordance with development code section 5.12, a certificate of occupancy shall be required as a condition of providing new utility service to any rental property or as a condition of transferring service to a new owner, new renter or billing name. A certificate of occupancy is required prior to any tenant taking possession of a rental unit.

(Ord. of 11-1-11(2), § 1)

Sec. 7-205. - Registration revocation.

The department of development services may revoke any registration to maintain and operate a rental housing unit or complex when the owner or agent has failed to comply with any provision of this ordinance. After such failure to comply the registration may be reissued if the circumstances leading to the failure to comply have been remedied and the rental housing unit or complex is being maintained and operated in full compliance with the law.

(Ord. of 11-1-11(2), § 1)

Sec. 7-206. - Definitions.

For purposes of this article, the following words, terms and phrases shall have the meaning respectively ascribed to them as follows, unless the context clearly indicates otherwise:

Accessory use areas are areas and buildings around a rental dwelling which provide space for amenities and facilities, including but not limited to pay phones, picnic areas, recreation areas, laundry rooms, recreation rooms, refuse collection facilities, and accessory storage buildings.

Agent is a person authorized by the owner of a rental housing unit to make or order repairs or service to the unit and authorized to receive notices on behalf of the owner.

Approved means in conformance with the appropriate codes and approved by the administrator or his designee.

Architectural pool means a constructed or excavated exterior area designed to contain a regular supply of water other than a swimming pool or a spa.

Boarding house a building other than a hotel or motel where, for compensation and by prearrangement for definite periods, meals and/or lodging are provided for two (2) or more persons (other than legally related family members) on a weekly or monthly basis.

Building official the city official designated by the mayor and council to administer and enforce this ordinance, and such representatives as may be appointed by such city official.

Certificate of occupancy a certificate issued pursuant to this article by the building official to ensure that a dwelling unit is in compliance with the provisions of this article.

Change of occupancy when a rental unit vacated and is occupied by a new tenant.

City the City of Tupelo, Mississippi.

Condominium an estate in real property consisting of an undivided interest in common of a portion of real property, together with a separate interest in space in a residential building on such real property.

Cooperative a multiple-household owned and maintained by the residents. The entire structure and real property is under common ownership, as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.

Deterioration means a lowering in quality of the condition or appearance of a building, structure or premises characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay, neglect, damage or lack of maintenance.

Dwelling means an enclosed occupied or unoccupied space designed as or being used as permanent living facilities, including single family and multifamily dwellings and accessory use areas.

Exterior opening means an open or closed window, door or passage between interior and exterior spaces.

Failure to comply means a failure, refusal, or neglect to obey an official order or comply with any adopted ordinance of the City of Tupelo.

Gang boxes means a group of postal service mail boxes clustered together serving a residential area.

Glazed means fitted with glass.

Habitable room means a room or enclosed floor space within a rental housing unit used, intended to be used or designed to be used for living, sleeping, eating or cooking and excludes bathrooms, laundry rooms, halls, closets and storage places.

Impervious means incapable of being penetrated or affected by water or moisture.

IPMC is the International Property Maintenance Code adopted by the City of Tupelo.

Infestation is the presence or apparent presence of insects, rodents, vermin or noxious pests of a kind or in a quantity that endangers health within or around a dwelling or may cause structural damage to the dwelling.

Inoperable vehicle or *junk vehicle* is a vehicle which is physically incapable of operation, stripped, substantially damaged, lacking of a current license plate and/or inspection sticker, discarded or unable to be safely and legally operated.

Landscaping is the combination of elements such as trees, shrubs, ground covers, vines and other organic and inorganic material for the express purpose of creating an attractive and pleasing environment.

Lessee A person or entity who receives the use and possession of leased property (e.g., real estate) from a lessor in exchange for a payment of funds. The person to whom a lease is made.

Legal entity an association, cooperation, partnership, or individual that has legal standing in the eyes of the law.

Makeshift means not in accordance with the requirements of this code, any ordinance of the city or rules or regulations adopted thereunder, accepted practices, prevailing standards, design of a licensed contractor or manufacturer's recommendation.

Manager means any person who has charge, care or control of a rental housing unit.

Occupant means any person living in, sleeping in or possessing a rental housing unit.

Owner means a person, persons or legal entity listed as the current titleholder of real property, as recorded in the official records of Lee County, Mississippi.

Parking area means any area adjacent to a rental housing unit which was designed for or is used for the purpose of parking vehicles. This does not include landscaped, unpaved or yard areas.

Proof of ownership a title or deed to a piece of property signed by a notary public.

Rental housing unit means that portion of a dwelling for which payment or other consideration is being made to an owner, agent or manager for the use or occupancy of that portion as an independent living facility, excluding transient occupancy such as hotels and motels. It also means each apartment or each rental unit within an apartment complex.

Slum-like means the unsightly condition of a building, structure or premises characterized by deterioration or other similar conditions and the visible outdoor storage of junk, garbage or rubbish, regardless of the condition of other properties in the neighborhood.

Sound condition means free from decay or defects and in good working condition.

Specific lighting means artificial illumination which was designed and installed to provide adequate lighting for a specific area.

Storage means placing or leaving personal property in a location for the purpose of preservation, seasonal or future use or disposal. No upholstered furniture may be stored on porches.

Vehicle is an automobile, truck, trailer, camper, recreational vehicle, boat or motorcycle.

(Ord. of 11-1-11(2), § 1)

Sec. 7-207. - Authority to inspect.

- (a) *Personnel.* The administrator or designee is authorized to make reasonable and necessary inspections of rental housing units and premises to determine compliance with this article.
- (b) *Access.* Every owner, agent, manager or tenant of a rental housing unit shall, upon reasonable notice, allow access to any part of such rental housing unit at all reasonable times for the purpose of making such inspections. If the owner, agent, manager or tenant refuses access to make an inspection, the city is authorized to obtain an inspection warrant. If complaint is made to the city of conditions in any rental unit which may be in violation of any applicable city code, the city is authorized to investigate such complaint without notice.
- (c) *Scope.* An inspector may expand the scope of an inspection to include other city code violations discovered during the inspection.

- (d) *Compliance.* If upon inspection, violations of interior or exterior standards exist, the owner, agent or manager will be required to correct all violations within a reasonable period of time as determined by the inspector. Failure to comply with the order of the inspector may result in the revocation of the existing certificate of occupancy. In the event the rental housing unit becomes unoccupied, future occupancy will be prohibited until all violations have been corrected and the unit has been re-inspected by the city and deemed to be in compliance and a new certificate of occupancy issued.

(Ord. of 11-1-11(2), § 1)

Secs. 7-208—7-214. - Reserved.

DIVISION 2. - RENTAL HOUSING STANDARDS

Sec. 7-215. - Sanitary facilities.

- (a) *General provision.* Every rental housing unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. Sinks used for kitchen purposes and bathtubs are not acceptable substitutes for lavatory basins.
- (b) *Flush toilet.* Every rental housing unit shall contain a room that is equipped with a flush toilet in sound condition and properly connected to an approved water and sewage system. Every flush toilet shall have:
- (1) An integral water-seal trap that eliminates the passage of sewage gases into the room; and
 - (2) Smooth, impervious, easily cleanable surfaces free from cracks or breaks and makeshift repairs that leak or may cause injury to someone and shall be equipped with seats and flush tank covers constructed of smooth impervious materials free of cracks or breaks that leak or may injure a person.
- (c) *Lavatory basins.* Every rental housing unit shall contain a fixed lavatory basin in sound condition and properly connected to an approved hot and cold water system and a sewage system. The basin shall be in the same room as the toilet or as near to that room as practicable. If a rental housing unit contains a flush toilet in more than one room, it shall also contain a fixed lavatory basin in each room with a flush toilet or as near to each room as is practicable. Lavatory basin surfaces shall be smooth, easily cleanable, impervious and free from cracks or breaks that leak or may injure a person. Sinks used for kitchen purposes and bathtubs are not acceptable substitutes for lavatory basins.
- (d)

Bathtub or shower. Every rental housing unit shall contain a room that is equipped with a bathtub or shower in sound condition and properly connected to an approved hot and cold water system and a sewage system. Every bathtub shall have a smooth, impervious and easily cleanable inner surface, with a pitch sufficient to drain properly, free from makeshift repairs and free from cracks or breaks that leak or may injure to a person. Every shower compartment or cabinet shall have a base with a leak-proof receptor that is made of impervious materials with a pitch sufficient to drain properly. The interior walls shall be made of a smooth, impervious, easily cleanable material free from creaks or breaks that leak or may injure a person. Built-in bathtubs with overhead showers shall have waterproof joints between the tub and the adjacent walls and the walls shall be made of impervious material free from cracks or breaks that leak or may injure a person.

- (e) *Hot water service.* Every rental housing unit shall have hot water service properly installed and maintained in sound condition capable of furnishing reasonable amounts of hot water with a minimum temperature of one hundred ten degrees (110°). Water heating units shall be equipped with a temperature and pressure relief valve and a discharge line in accordance with the Tupelo Plumbing Code, Chapter 7 as referenced in section 7.96 of the Code of Ordinances of the City of Tupelo.
- (f) *Water-seal traps.* Bathroom plumbing fixtures, except those having integral traps, shall be separately trapped by a water-seal trap that will eliminate the passage of sewage gases into the room. The water-seal trap shall be located as near the outlet as possible.
- (g) *Flow of water.* Bathroom plumbing fixtures shall have a reasonable flow of water and the minimum flow of hot or cold water issuing from a faucet or fixture shall be not less than one (1) gallon per minute.

(Ord. of 11-1-11(2), § 1)

Sec. 7-216. - Food preparation facilities.

- (a) *General provision.* Every rental housing unit shall have a kitchen or kitchen area with suitable space and equipment to store, prepare and serve food in a sanitary manner. Adequate facilities for the disposal of food waste and refuse shall also be provided.
- (b) *Kitchen sink.* Every kitchen or kitchen area shall contain a fixed kitchen sink in sound condition, functioning properly and properly connected to an approved hot and cold water system and a sewage system. Each kitchen sink shall be of seamless construction and impervious to water and grease. The interior surfaces shall be smooth with rounded internal angles and corners, easily cleanable and free from cracks or breaks that leak or may injure a person. Lavatory basins and bathtubs are not acceptable substitutes for required kitchen sinks.
- (c)

Water-seal traps. Kitchen plumbing fixtures shall be separately trapped by a water-seal trap that will eliminate the passage of sewage gases into the kitchen. The water-seal traps shall be located as near the outlet as possible.

- (d) *Flow of water.* Kitchen plumbing facilities shall have a reasonable flow of water and the minimum flow of hot or cold water issuing from a faucet or fixture shall be not less than one gallon per minute.
- (e) *Oven and range or stove.* Every kitchen or kitchen area shall be equipped with a cooking oven and range or a stove properly connected and in sound condition. If the over and range or stove is provided by the tenant per the rental agreement, the owner, agent or manager is exempt from the provisions of this section.
- (f) *Refrigerator.* Every kitchen or kitchen area shall be equipped with a refrigerator properly connected and in sound condition. Refrigerators shall be capable of maintaining a temperature between forty degrees (40°) and forty-five degrees (45°) Fahrenheit. Refrigerators shall have some capacity for storing frozen food. If the refrigerator is provided by the tenant per the rental agreement, the owner, agent or manager is exempt from the provisions of this section.
- (g) *Sanitary surfaces; preparation and storage areas.* Countertops, food preparation surfaces, food storage pantries and cupboards shall be easily cleanable and free from holes, breaks or cracks that can leak, or may injure a person or may permit the harborage of insects and dampness that may promote the growth of bacteria.
- (h) *Storage of garbage.* No owner, agent or manager of any rental housing unit shall permit upon his premises the exterior accumulation of any garbage or refuse, except in covered portable containers of rust-resistant metal, rubber, plastic or similar material.
- (i) *Removal of garbage.* The owner, agent or manager of a rental housing unit shall provide for the removal of garbage and refuse by a properly licensed and authorized refuse hauler sufficient to maintain a clean and sanitary condition on the premises or shall require the tenant, lessee or occupant to provide such service from a properly licensed and authorized refuse hauler.

(Ord. of 11-1-11(2), § 1)

Sec. 7-217. - Electrical service and lighting.

- (a) *General provision.* Every rental housing unit shall have electrical service and lighting properly installed and maintained in sound condition adequate to support the health and safety of occupants, permit the safe use of electrical appliances and permit normal indoor activities.
- (b) *Habitable rooms; outlets and lights.* Every habitable room shall contain at least two (2) electrical convenience outlets and either a permanently installed light fixture controlled by a wall switch or an additional electrical convenience outlet controlled by a wall switch. Ceiling or sidewall light fixtures controlled by a wall switch shall be required in all kitchens or kitchen areas. In addition to the above

minimum requirements, every owner, agent and manager shall provide sufficient electrical outlets to service the appliances and fixtures furnished by the owner, agent or manager and located within the room.

- (c) *Other rooms; outlets and lights.* Every laundry room, bathroom and toilet compartment shall contain at least one permanently installed ceiling or sidewall light fixture controlled by a wall switch. In addition to the above minimum requirements, every owner, agent and manager shall provide sufficient electrical convenience outlets to service the appliances and fixtures furnished by the owner, agent or manager and located within the room. Every bathroom shall have a least one (1) permanently installed GFCI electrical convenience outlet.
- (d) *Ground-fault circuit-interrupters.* All electrical convenience outlets installed in bathrooms and within six (6) feet of a water source, which includes a lavatory or kitchen sink shall have ground-fault circuit-interrupter protection, provided it can be installed without additional wiring to the main electrical service panel. As used in this section, a bathroom is an area with a tub or shower, with or without a lavatory.
- (e) *Stairway and hall lights; except public.* Every stairway and hall, except public or common stairways and halls, shall contain at least one ceiling or sidewall light fixture controlled by a wall switch except where light is available from a permanent source or an adjacent space. The switch or switches shall be located so as not to have to traverse darkened areas to access them.
- (f) *Stairway and hall lights; public.* Every public or common stairway, hallway, corridor or breezeway in or leading into multifamily dwellings shall be lighted, by natural or artificial means, at all times.
- (g) *Exterior entrances; multifamily.* Every building serving four (4) or more rental housing units shall have the main building entrances lighted with specific lighting during nighttime hours. The entrances into individual rental housing units shall also be provided with specific lighting which shall be controlled either automatically or manually by a switch controlled by the tenant.
- (h) *Exterior areas; multifamily.* Every common area, accessory use area, aisle, passageway, pedestrian walkway and sidewalk of buildings serving four (4) or more rental housing units shall be lighted with specific lighting during nighttime hours.
- (i) *Parking lots; multifamily.* Common parking lots and covered and uncovered parking areas serving four (4) or more rental housing units shall be lighted with specific lighting during nighttime hours.
- (j) *Mailboxes; multifamily.* Postal service "gang boxes" in buildings serving four (4) or more rental housing units shall be lighted with specific lighting during nighttime hours.
- (k)

Installation and maintenance. Every outlet, switch and fixture shall be properly installed and maintained in sound condition. No owner, agent or manager shall provide, install or allow to be installed or used any frayed and exposed wiring; wiring unprotected by proper covering; fixtures in

disrepair; tacked extension cording; or makeshift wiring, outlets or fixture repairs or which may injure a person.

(Ord. of 11-1-11(2), § 1)

Sec. 7-218. - Thermal environment.

- (a) *General provision.* Every rental housing unit shall contain safe heating equipment and system which are properly installed and maintained in sound condition and capable of providing adequate heating and cooling, appropriate for the climate, to assure a comfortable and healthy living environment.
- (b) *Heating requirements.* Every rental housing unit shall have heating, under the tenant's control, capable of safely heating all habitable rooms, bathrooms and flush toilet rooms located therein to a temperature of at least seventy degrees (70°) Fahrenheit at a distance three (3) feet above floor level in the center of the room. Required heating shall be provided by permanently installed heating facilities.
- (c) *Unvented combustion heaters; prohibited.* No owner, agent or manager shall provide, install or allow to be installed or used any unvented portable space heaters burning solid, liquid or gaseous fuels.
- (d) *Cooking appliances as heaters; prohibited.* No owner, agent or manager shall allow the use of any ovens, stoves or ranges, or other cooking appliances for the purpose of heating any portion of a dwelling.

(Ord. of 11-1-11(2), § 1)

Sec. 7-219. - Doors; windows; ventilation.

- (a) *General provision.* Every rental housing unit shall have doors and windows which provide adequate natural light and ventilation to permit normal indoor and activities and support the health and safety of the occupants while providing protection from the elements and privacy for the occupants.
- (b) *Habitable rooms; natural light.* Every habitable room within a rental housing unit shall have at least one exterior glazed opening, facing directly to the outside, to provide natural light. The total glazed area for each habitable room shall be not less than ten (10) square feet. Kitchens and kitchen areas shall not be required to meet the glazed exterior opening requirement.
- (c) *Habitable rooms; ventilation.* Every habitable room within a rental housing unit shall have at least one openable exterior opening, vented directly to the outside air, to provide natural ventilation. The total area of openable venting for each habitable room shall be not less than five (5) square feet. Habitable rooms, except those used for sleeping, shall not be required to meet the openable exterior opening requirement if mechanical ventilation is provided. Kitchens and kitchen areas shall not be required to meet the openable exterior opening requirement if mechanical ventilation is provided.
- (d)

Other rooms; ventilation. Every bathroom, flush toilet room and laundry room shall have at least one openable exterior opening, vented directly to the outside air, to provide natural ventilation. The total area of openable venting shall be not less than one and one-half (1½) square feet. Bathrooms, flush toilet rooms and laundry rooms shall not be required to meet the openable exterior opening requirement if mechanical ventilation is provided.

- (e) *Screened openings.* Any rental housing unit which is cooled by mechanical cooling or other similar venting, shall have at least one openable exterior opening which is screened. All required screens shall be free from tears, holes or imperfections of the frame that may admit insects and other vermin detrimental to the health of the occupants. Any screens which are provided by the owner, agent or manager shall be maintained in sound condition and in good working order.
- (f) *Glazing.* Glazed areas shall be soundly glazed and free from missing, loose, cracked or broken glass that may injure a person, allows the elements or vermin to enter the structure, allows air escape or infiltration, or otherwise diminishes the thermal efficiency of the structure.
- (g) *Windows.* Windows shall be maintained in sound condition. Exterior windows shall fit the window openings and shall be properly sealed or weather-stripped in a manner that prevents the entrance of the elements or vermin or excessive air escape or infiltration. The fit of exterior windows shall not otherwise diminish the thermal efficiency of the structure.
- (h) *Exterior doors.* Exterior doors leading into rental housing units shall fit the door openings and shall also be weather-stripped in a manner that prevents the entrance of the elements or vermin or excessive air escape or infiltration. The fit of exterior doors shall not otherwise diminish the thermal efficiency of the structure. Exterior doors, door hardware and door frames shall be maintained in sound condition and capable of the use intended by their design. Any hollow core or solid core doors leading into rental housing units which are replaced after the effective date of this code, shall be replaced with solid core or metal wrapped doors that have a sound transmission rating at least equal to the rating of the door being replaced.
- (i) *Interior doors.* Interior doors, door hardware and door frames shall be maintained in sound condition free from holes, breaks or cracks and capable of the use intended by their design. They shall also be capable of affording privacy to the occupants.

(Ord. of 11-1-11(2), § 1)

Sec. 7-220. - Space and occupancy.

- (a) *General provision.* Every rental housing unit shall have sufficient access and space to allow for adequate living and sleeping conditions while providing for the occupant's health, safety, privacy and general welfare.
- (b)

Floor area; rental housing unit. Every rental housing unit shall have at least two hundred twenty (220) square feet of total room area and shall contain at least one common room having not less than one hundred twenty (120) square feet.

- (c) *Floor area; habitable room.* Every habitable room, except a kitchen, shall have not less than seventy (70) square feet of habitable room area and shall not be less than seven (7) feet in any dimension.
- (d) *Occupancy load; sleeping room.* Every rental housing unit shall contain at least one bedroom or living/sleeping room of appropriate size for each two (2) persons. Every room occupied for sleeping purposes by one person shall contain at least seventy (70) square feet of habitable room area and every room occupied for sleeping purposes by two (2) people shall contain at least fifty (50) square feet of habitable room area for each person.
- (e) *Occupancy Load; Rental Housing Unit.* Every rental housing unit shall provide at least two hundred twenty (220) square feet of floor area for the first two (2) occupants and one hundred (100) square feet of floor area for each additional occupant. The floor area is to be calculated on the basis of total dwelling unit area.
- (f) *Bedroom access.* In any rental housing unit that has more than one bedroom, access to any bedroom shall not be through another bedroom or a bathroom.
- (g) *Bathroom access.* In any rental housing unit, the occupants of each bedroom must have access to a bathroom without going through another bedroom.
- (h) *Interior access.* In any rental housing unit, access to bedrooms and bathrooms shall be from within the unit.

(Ord. of 11-1-11(2), § 1)

Sec. 7-221. - Safety and security.

- (a) *General provision.* Every rental housing unit shall have security devices which restrict unlawful entry, smoke detectors to provide fire safety and shall be maintained free from hazards to the health, safety or welfare of the occupants.
- (b) *Stairway; tripping hazard.* Every inside and outside stairway shall be maintained in sound condition and free from any broken, rotted or missing steps or tripping hazards.
- (c) *Stairway; handrail.* Every inside and outside stairway which contains three (3) or more risers shall be provided with a handrail in sound condition securely fastened to a wall or balusters.
- (d) *Stairway; guardrail and enclosures.* Every stairway which exceeds thirty (30) inches in height shall be protected by a guardrail and enclosure material in sound condition. The openings in the enclosure material shall be of a size to prohibit a spherical object four (4) inches in diameter from passing through or under.
- (e)

Balcony and porch; guardrail and enclosures. Every balcony or porch higher than thirty (30) inches above the ground shall be protected by a guardrail and enclosure material in sound condition. The openings in the enclosure material shall be of a size to prohibit a spherical object four (4) inches in diameter from passing through or under.

- (f) *Locking devices; exterior doors.* Exterior doors leading into rental housing units or tenant storage rooms, which are reasonably accessible, shall have a locking device properly installed and in sound condition capable of the use intended by its design. Specific requirements are as follows:
 - (1) Swinging exterior doors leading into rental housing units shall have thumb turn dead bolt locks with a minimum one inch throw; and
 - (2) Sliding doors shall be provided with a locking device or devices which prevent lifting or sliding of the locked door from the exterior of the unit.
- (g) *Door viewers.* Every principal entrance door shall be equipped with at least a one hundred sixty degree (160°) eyeviewer. Principal entrance doors which contain a window or have an adjacent window which allows a view of the area directly in front of the door, shall not require an eyeviewer.
- (h) *Locking devices; windows.* Every openable window reasonably accessible from the outside shall have a locking device or devices properly installed and in sound condition capable of the use intended by its design. Such devices shall prevent opening, lifting or sliding of the locked window from the exterior of the unit.
- (i) *Smoke detectors.* Smoke detectors shall be installed in all existing rental housing units. The installation of smoke detectors shall at least meet the requirements specified in Chapter 7 of the International Code Council Property Maintenance Code (IPMC). The owner shall be responsible for the installation, replacing the battery annually (if battery operated) and maintaining appropriate records of required smoke detectors. Upon termination of a tenancy in any rental housing unit, the owner, owner's agent or manager shall insure that any required smoke detectors are operational prior to re-occupancy of the unit.

(Ord. of 11-1-11(2), § 1)

Sec. 7-222. - Maintenance.

- (a) *General provision.* Every rental housing unit interior and exterior shall be maintained in a condition which provides the occupants with protection from the elements, a safe and healthy living environment and housing free from deterioration or slum-like conditions.
- (b)

Interior; holes, cracks or breaks. Every floor, interior wall and ceiling, cabinet and all appurtenances thereto shall be kept in sound condition and free of holes, cracks or breaks that may injure a person, admit or harbor insects or rodents, admit dampness or restrict privacy. Every hole cut in floors, walls

or ceilings for the passage of plumbing fixtures or pipes shall be sealed to prevent the passage of insects, rodents or vermin.

- (c) *Interior; paint and plaster.* Every floor, interior wall and ceiling, cabinet and all appurtenances thereto shall be kept free of any loose, cracked, scaling, chipping or peeling paint or plaster. All interior painted surfaces shall be painted with paint which is lead free.
- (d) *Floor coverings; tripping hazards.* Floor coverings that are torn or loose and located on a stairway or within three (3) feet of a stairway shall be removed or repaired to prevent tripping. Tears in excess of six (6) inches and tears or projections rising one-quarter ($\frac{1}{4}$) inch or more above the floor surface in any location present a tripping hazard and shall be repaired.
- (e) *Floor coverings; deteriorated, unsafe, unsanitary.* Floor coverings such as carpeting, tile, linoleum and similar materials shall be repaired or replaced when the floor covering is severely deteriorated or when the condition of the floor covering creates an unsafe or unsanitary environment.
- (f) *Exterior; weather tight, watertight and vermin proof.* Every foundation, roof and exterior wall shall be reasonably weather tight, watertight and vermin proof and shall be kept in sound condition.
- (g) *Exterior; deteriorated or slum-like.* All exposed exterior surfaces shall be maintained so as to be impervious to moisture and weather elements and every rental housing unit shall be free of broken, rotted, split or buckled exterior wall coverings or roof coverings. All exposed exterior surfaces shall not otherwise present a deteriorated or slum-like appearance and will meet the specific requirements which follow:
 - (1) All exterior wood surfaces shall be protected from the elements and from deterioration by paint or other protective treatment; except such wood surfaces composed of wood that is naturally resistant to decay;
 - (2) All exterior painted surfaces shall be painted with paint that is lead free and shall be free of loose, cracked, scaling, chipping or peeling paint in such amounts as to present a deteriorated or slum-like appearance;
 - (3) Roof coverings shall be watertight and weather tight and shall be free of broken, rotted, split, curled or missing roofing material in such amounts as to present a deteriorated or slum-like appearance. All roofing materials shall meet the requirements of all adopted codes and ordinances; and
 - (4) Replacement materials and paint used to repair or repaint exterior surfaces of a rental housing unit shall be visually compatible with the remainder of the materials and paint on the exterior of the unit.
- (h) *Landscaping.* Every rental housing unit shall have landscaping in all yard areas which are visible from a public street, alley or sidewalk or a neighboring property. Such landscaping shall be installed and maintained so as to enhance the appearance and value of the property on which it is located and shall

not present a deteriorated or slum-like appearance.

- (i) *Exterior areas; tripping hazards.* Every common area, sidewalk, driveway, parking lot and parking area of rental housing units shall be free from holes, depressions or projections that may cause tripping or may injure a person or otherwise present a hazard, including damage to a vehicle.
- (j) *Inoperable vehicles; common parking areas.* Common parking lots and parking areas, serving more than one (1) rental housing unit, shall be maintained free from the storage of abandoned, wrecked, dismantled, unregistered or inoperable vehicles.
- (k) *Inoperable vehicles; other areas.* Parking areas serving only one (1) rental housing unit, shall be maintained free from the storage of wrecked, dismantled or inoperable vehicles. It is an affirmative defense to a violation of this subsection based on a wrecked, dismantled or inoperable vehicle, that the vehicle was titled to a resident of the property, that the vehicle was undergoing repair, and that the wrecked, dismantled or inoperable vehicle was repaired and any evidence of the repairs was removed within fourteen (14) days after the repair was begun.
- (l) *Swimming pools; maintenance.* All swimming pools, architectural pools and spas shall be properly maintained so as not to create a safety hazard, harbor insect infestation or create a deteriorated or slum-like appearance.
- (m) *Stagnant water.* All premises shall be maintained so as to prevent the accumulation of stagnant water when such water causes a hazardous or unhealthy condition, becomes a breeding area for insects or causes damage to foundation walls.
- (n) *Infestation.* Every rental housing unit and premises shall be kept free from insect, rodent or vermin infestation. Every rental housing unit and premises shall be free from the presence or apparent evidence of insect or rodent infestation, other noxious pests, nesting places and any other unsightly or unsanitary accumulation which may harbor insects, rodents or other vermin.
- (o) *Maintenance of facility and equipment.* Every supplied facility, piece of equipment or utility shall be so constructed, installed and maintained so that it will function safely and effectively and remain in sound condition.
- (p) *Discontinuation of services.* No owner, agent or manager shall cause any services, facilities, equipment or utilities which are required under this code to be removed from, shut off or discontinued in any occupied rental housing unit except for such temporary interruption as may be necessary while actual repairs or alterations are in process.
- (q) *Responsibility for maintenance.* It shall be the responsibility of the owner, agent and manager to provide for the interior and exterior maintenance of the rental housing unit and premises.

(Ord. of 11-1-11(2), § 1)

Secs. 7-223—7-229. - Reserved.

DIVISION 3. - ADMINISTRATION AND ENFORCEMENT

Sec. 7-230. - Commencement of action.

- (a) The department of development services is assigned the primary responsibility of enforcing this chapter and is granted the authority expressly and impliedly needed and necessary for enforcement.
- (b) Nothing in this section shall preclude employees of the department of development services from seeking voluntary compliance with the provisions of this chapter or from enforcing this chapter, proactively or reactively, through warnings, citations, or other such devices designed to achieve compliance in the most efficient and effective manner under the circumstances.
- (c) The department of development services is authorized to recommend reasonable and necessary rules and regulations to carry out the provisions of this article which shall be approved by resolution of the city council.
- (d) Once a violation has been identified by inspection, Chapter 28 Article I Comprehensive Ordinance Enforcement Code prescribes the enforcement actions to be taken by the City of Tupelo.
- (e) Re-inspection fees will be as follows:
3rd inspection\$100.00

4rd inspection\$200.00

5th inspection\$400.00

6th inspection without complianceCitation to court.

(Ord. of 11-1-11(2), § 1)

Sec. 7-231. - Transfer of property after notice.

- (a) *Written assumption of responsibility.* The transfer of any or all property interest in any manner, including but not limited to, the sale, trade, lease, gift or assignment of any real property against which a citation has been issued or allegations of violations have been filed with the court shall not relieve the parties unless the legal entity assuming interest in such property, in writing, assumes responsibility for compliance with the notice to comply or alleged violations and a copy of such writing is presented to the city.
- (b) *Criminal violation.* Any legal entity, real or statutory, who transfers the ownership interest in real property, against which a citation has been issued or allegations of violations have been filed with the court, shall be guilty of a class 1 misdemeanor unless they have obtained a written acceptance of responsibility for compliance with the citation or court action from the new owner.

(Ord. of 11-1-11(2), § 1)

Sec. 7-232. - Vacation of tenants; re-occupancy.

- (a) *comply even if vacated.* An owner, agent or manager served with a citation or enforcement proceeding for violations of article XII of this chapter shall not be relieved from responsibility to comply because the tenant(s) have vacated the rental housing unit.
- (b) *Compliance before re-occupancy.* The owner, agent or manager of a rental housing unit shall not lease, rent or otherwise make available for occupancy by tenants any unit until such unit has been inspected and a new certificate of occupancy has been issued or against which a citation has been issued or an enforcement action has been instituted until the violations contained in the citation or enforcement proceeding have been corrected and a new certificate of occupancy has been issued. The director of development services or designee may choose to forego the inspection of the units which historically have complied with all applicable codes and ordinances.

(Ord. of 11-1-11(2), § 1)

Sec. 7-233. - Conflict of ordinances.

In any case where a provision of this Code is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the city, existing on the effective date of this code, the provision which establishes the higher standard for the promotion and protection of the health and safety of the community shall prevail.

(Ord. of 11-1-11(2), § 1)

Secs. 7-234—7-239. - Reserved.

Registration No. _____

**CITY OF CLINTON
ANNUAL RESIDENTIAL RENTAL PROPERTY
REGISTRATION FORM**

Post Office Box 156
Clinton, Mississippi 39060
Phone: 601-924-2256 - Fax: 601-924-0837

Owners Contact Information

_____ Check here if contact information has changed.

Owner's Name: _____

Mailing Address: _____

Street

Mailing Address: _____

City

State

Zip Code

Telephone: _____ Cell: _____

Fax: _____ E-mail: _____

Local Agent Information: If the Owner does not reside within 60 miles of the rental unit OR is not able to be contacted on a 24-hour basis, the Owner must provide information for a Local Agent who resides in Hinds County or an adjoining County AND is able to respond reasonably in the event of an emergency on a 24-hour basis.

_____ Check here if information has changed.

Agent's Name: _____

Mailing Address: _____

City

State

Zip Code

Telephone: _____ Cell: _____

Fax: _____ E-mail: _____

Fee Schedule:

Number of units: _____ @ \$25.00 each Total Amount Due: \$ _____

Unit Type (circle all that apply)

Single Family

Duplex

Three-plex

Four-plex

Multi-Family

Terms of Residential Rental Registration Program

By signing this form the Owner and Local Agent (if applicable) agree to comply with the following terms:

- **NO OWNER SHALL BE ALLOWED TO REGISTER ANY PROPERTY IF THE OWNER HAS OUTSTANDING VIOLATIONS, FEES, AND/OR FINES DUE AND OWING TO THE CITY OF CLINTON.**
- Any changes occurring in ownership of a rental unit shall require the new owner to apply for registration within 30 days of taking ownership.
- No rental unit shall be rented or leased or offered for rent or lease in a manner which would result in violation of the occupancy levels permitted by the 2006 ICC Property Maintenance Code, or a Certificate of Occupancy.
- Both the interior and exterior of each rental property shall be periodically inspected by the Building Official, under the provisions established by the adopting Ordinance.

FAILURE TO REGISTER

Failure to adhere to these terms and others outlined in the adopting Ordinance may result in violation of the Rental Registration Ordinance and a \$350.00 fine.

I hereby declare under penalty of perjury that all information given on this application for the purpose of securing a Certificate of Residential Rental Registration, and determining the amount due, is true and correct.

Signature of Owner **OR** Owner's Registered Agent

Date _____

Approved by _____

Date _____

[illegible]

[illegible]

AN ORDINANCE TO REGULATE THE STANDARDS OF RENTAL HOUSING UNITS WITHIN THE CITY OF CLINTON ; ESTABLISHING BASIC STANDARDS FOR SUCH RENTAL HOUSING; PROVIDING REGISTRATION REQUIREMENTS AND SETTING STANDARDS THEREFORE; SETTING ADMINISTRATIVE AND ENFORCEMENT REGULATIONS' INCLUDING PENALTIES; AND FOR RELATED PURPOSES.

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLINTON, MISSISSIPPI:

RENTAL HOUSING CODE

ARTICLE I

GENERAL REGULATIONS

Section 100. Scope.

This code shall apply to all rental housing units located within the City of Clinton, Mississippi, including manufactured homes, single family homes and multifamily units. The intent of this code is to establish base standards for rental housing in Clinton so as to prevent or correct slum and blighted conditions and protect the health, safety and welfare of the community,

Section 101. Designation of Administrator.

The Director of the Community Development Department for the City of Clinton is hereby designated as the Administrator of this article and may delegate duties of this Code to the building inspectors, code enforcement officers and other employees of the Community Development Department or other employees of the City of Clinton.

Section 102. Registration Required.

It shall be unlawful for any person and/or entity to maintain or operate any rental housing unit or units within the City of Clinton unless such person or entity has registered the property.

Section 103. Registration Fee.

The annual registration fee shall be twenty-five dollars (\$25.00) per dwelling unit payable upon application for registration. A late penalty fee will be assessed in the amount of \$10 per unit multiplied by the number of months the registration is past due. A fee of \$350 will be assessed for failure to register a dwelling unit within ninety (90) days of expiration of annual registration fee. Each person or entity who operates an office within the City of Clinton must also obtain a Privilege License as required by the City of Clinton for operation of a business pursuant to State Statute 27-17-9.

Section 104. Annual Registration Application.

(a) *Annual Registration.* Application for an annual rental housing registration shall be filed with and issued by the Community Development Department. The application shall be in writing, signed by the property owner, agent or designee and shall include the following:

- (1) The name and address of the applicant;
- (2) Proof of ownership must be provided if the information provided differs from Hinds County records;
- (3) The location and parcel number of the property on which the rental housing unit is located;
- (4) For new construction, a complete site plan of the complex showing it is in conformity with the requirements included within this Rental Housing Code;
- (5) For new construction, plans and specifications of all buildings, improvements and facilities to be constructed within the rental housing complex or on the same property as the rental housing unit.
- (6) Such other information as may be requested by the Community Development Department to enable it to determine if the proposed rental housing unit or complex will comply with all codes and ordinances adopted by the City of Clinton.

(b) *Inspection Required.* Before any registration is issued by the Community Development Department the applicant must authorize the Administrator or designee to inspect the rental housing unit or complex for which an application for registration has been made. The Administrator or designee may inspect only a portion of the rental units within a rental housing complex if the Administrator or designee determines an inspection of the entire complex is not needed. Every landlord who retains all utilities in his/her name is required to have all rental units inspected once a year or with each tenant change. All utilities must be turned on at the time of the inspection in order to inspect all systems, appliances and equipment.

(c) *Registration Renewal.* Upon application in writing for renewal of a registration issued under this chapter and upon payment of the annual registration fee, the Community Development Department shall issue a certificate renewing such registration for another year. The Community Development Department may, in its discretion, inspect the rental housing unit or complex for which application is being made before a renewal of the registration is issued.

(d) *Registration Transfer.* Upon application in writing for transfer of a registration accompanied by an application with the transferee's information and payment of the transfer fee, the Community Development Department shall issue a transfer if the application is found to be in compliance with this chapter. A fee of \$25.00 will be charged for transfer of any property or properties. A fee of \$350 will be assessed for failure to register a dwelling unit within ninety (90) days of transfer of ownership.

(e) *Certificate of Occupancy Requirements.* A Certificate of Occupancy shall be required as a condition of providing new utility service to any rental property or as a condition of transferring service to a new owner, new renter or billing name. A Certificate of Occupancy is required prior to any tenant taking possession of a rental unit. EXCEPTION: Units that have a valid permit (as defined by City of Clinton Zoning Ordinance or adopted building codes) pulled for repair, renovations or additions may be granted a Temporary Certificate of Occupancy. Temporary Certificates of Occupancy will only be issued after approval of scope of work, reasonable time schedule for completion and in the opinion of the Building Official unit can be occupied safely.

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Section 105. Registration Revocation.

The Community Development Department may revoke any registration to maintain and operate a rental housing unit or complex when the owner or agent has failed to comply with any provisions of this ordinance. After such failure to comply the registration may be reissued if the circumstances leading to the failure to comply have been remedied and the rental housing unit or complex is being maintained and operated in full compliance with the law.

Section 106. Definitions.

For purposes of this article, the following words, terms and phrases shall have the meaning respectively ascribed to them as follows, unless the context clearly indicates otherwise:

- (1) *Accessory Use Areas:* Are areas and buildings around a rental dwelling which provide space for amenities and facilities, including but not limited to pay phones, picnic areas, recreation areas, laundry rooms, recreation rooms, refuse collection facilities, and accessory storage buildings.
- (2) *Agent:* Is a person authorized by the owner of a rental housing unit to make or order repairs or service to the unit and authorized to receive notices on behalf of the owner.
- (3) *Approved:* Means in conformance with the appropriate codes and approved by the Administrator or his designee.
- (4) *Architectural Pool:* Means a constructed or excavated exterior area designed to contain a regular supply of water other than a swimming pool or a spa.
- (5) *Boarding House:* A building other than a Hotel or Motel where, for compensation and by prearrangement for definite periods, meals and/or lodging are provided for two (2) or more persons (other than legally related family members) on a weekly or monthly basis.

- (6) *Building Official:* The city official designated by the Mayor and Board of Aldermen to administer and enforce this ordinance, and such representatives as may be appointed by such City Official.
- (7) *Certificate of Occupancy:* A certificate issued pursuant to this ordinance by the Building Official to ensure that a Dwelling Unit is in compliance with the provisions of this ordinance. Certificates of Occupancies are valid for twenty-four (24) months.
- (8) *Change of Occupancy:* When a rental unit vacated and is occupied by a new tenant.
- (9) *City:* The City of Clinton, Mississippi.
- (10) *Condominium:* An estate in real property consisting of an undivided interest in common of a portion of real property, together with a separate interest in space in a residential building on such real property.
- (11) *Cooperative:* A Multiple-Household owned and maintained by the residents. The entire structure and real property is under common ownership, as contrasted to a Condominium Dwelling where individual units are under separate individual occupant ownership.
- (12) *Deterioration:* Means a lowering in quality of the condition or appearance of a building, structure or premises characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay, neglect, damage or lack of maintenance.
- (13) *Dwelling:* Means an enclosed occupied or unoccupied space designed as or being used as permanent living facilities, including single family and multifamily dwellings and accessory use areas.
- (14) *Exterior Opening:* Means an open or closed window, door or passage between interior and exterior spaces.
- (15) *Failure to Comply:* Means a failure, refusal, or neglect to obey an official order or comply with any adopted ordinance of the City of Clinton.
- (16) *Gang Boxes:* Means a group of postal service mail boxes clustered together serving a residential area.
- (17) *Glazed:* Means fitted with glass.
- (18) *Habitable Room:* Means a room or enclosed floor space within a rental housing unit used, intended to be used or designed to be used for living, sleeping, eating or cooking and excludes bathrooms, laundry rooms, halls, closets and storage places.

- (19) *IPMC*: Is the International Property Maintenance Code adopted by the City of Clinton.
- (20) *Impervious*: Means incapable of being penetrated or affected by water or moisture.
- (21) *Infestation*: Is the presence or apparent presence of insects, rodents, vermin or noxious pests of a kind or in a quantity that endangers health within or around a dwelling or may cause structural damage to the dwelling.
- (22) *Inoperable Vehicle* or *Junk Vehicle*: Is a vehicle which is physically incapable of operation, stripped, substantially damaged, lacking of a current license plate and/or inspection sticker, discarded or unable to be safely and legally operated.
- (23) *Landscaping*: Is the combination of elements such as trees, shrubs, ground covers, vines and other organic and inorganic material for the express purpose of creating an attractive and pleasing environment.
- (24) *Lessee*: A person or entity who receives the use and possession of leased property (e.g., real estate) from a lessor in exchange for a payment of funds. The person to whom a lease is made.
- (25) *Legal Entity*: An association, cooperation, partnership, or individual that has legal standing in the eyes of the law.
- (26) *Makeshift*: Means not in accordance with the requirements of this code, any ordinance of the city or rules or regulations adopted thereunder, accepted practices, prevailing standards, design of a licensed contractor or manufacturer's recommendation.
- (27) *Manager*: Means any person who has charge, care or control of a rental housing unit.
- (28) *Occupant*: Means any person living in, sleeping in or possessing a rental housing unit.
- (29) *Owner*: Means a person, persons or legal entity listed as the current titleholder of real property, as recorded in the official records of Hinds County, Mississippi.
- (30) *Parking Area*: Means any area adjacent to a rental housing unit which was designed for or is used for the purpose of parking vehicles. This does not include landscaped, unpaved or yard areas.
- (31) *Proof of Ownership*: A title or deed to a piece of property signed by a notary public.

- (32) *Rental Housing Unit:* Means that portion of a dwelling for which payment or other consideration is being made to an owner, agent or manager for the use or occupancy of that portion as an independent living facility, excluding transient occupancy such as hotels and motels. It also means each apartment or each rental unit within an apartment complex.
- (33) *Slum-Like:* Means the unsightly condition of a building, structure or premises characterized by deterioration or other similar conditions and the visible outdoor storage of junk, garbage or rubbish, regardless of the condition of other properties in the neighborhood.
- (34) *Sound Condition:* Means free from decay or defects and in good working condition.
- (35) *Specific Lighting:* Means artificial illumination which was designed and installed to provide adequate lighting for a specific area.
- (36) *Storage:* Means placing or leaving personal property in a location for the purpose of preservation, seasonal or future use or disposal. No upholstered furniture may be stored on porches
- (37) *Vehicle:* Is an automobile, truck, trailer, camper, recreational vehicle, boat or motorcycle.

Section 107 Authority to Inspect.

- (a) *Personnel.* The Administrator or designee is authorized to make reasonable and necessary inspections of rental housing units and premises to determine compliance with this article.
- (b) *Access.* Every owner, agent, manager or tenant of a rental housing unit shall, upon reasonable notice, allow access to any part of such rental housing unit at all reasonable times for the purpose of making such inspections. If the owner, agent, manager or tenant refuses access to make an inspection, the city is authorized to obtain an inspection warrant. If complaint is made to the city of conditions in any rental unit which may be in violation of any applicable city code, the city is authorized to investigate such complaint without notice.
- (c) *Scope.* An inspector may expand the scope of an inspection to include other city code violations discovered during the inspection.
- (d) *Compliance.* If upon inspection, violations of interior or exterior standards exist, the owner, agent or manager will be required to correct all violations within a reasonable period of time as determined by the inspector. Failure to comply with the order of the Inspector may result in the revocation of the existing Certificate of Occupancy. In the event the rental housing unit becomes unoccupied, future occupancy will be prohibited until all violations have been corrected and the unit has been re-inspected by the city and deemed to be in compliance and a new Certificate of Occupancy issued.

ARTICLE II
RENTAL HOUSING STANDARDS

Section 200. General.

All residential property for rent or lease in the City of Clinton shall comply with this section.

Section 201. Adopted Property Maintenance Code.

Every rental unit shall comply with the property maintenance codes in effect at time of inspection.

Section 202. Additional Provisions.

- (a) *General Provision.* Every rental housing unit shall have a kitchen or kitchen area with suitable space and equipment to store, prepare and serve food in a sanitary manner. Adequate facilities for the disposal of food waste and refuse shall also be provided.
- (b) *Oven and Range or Stove.* Every kitchen or kitchen area shall be equipped with a cooking oven and range or a stove properly connected and in sound condition. If the oven and range or stove is provided by the tenant per the rental agreement, the owner, agent or manager is exempt from the provisions of this section.
- (c) *Refrigerator.* Every kitchen or kitchen area shall be equipped with a refrigerator properly connected and in sound condition. Refrigerators shall be capable of maintaining a temperature between forty degrees (40°) and forty-five degrees (45°) Fahrenheit. Refrigerators shall have some capacity for storing frozen food. If the refrigerator is provided by the tenant per the rental agreement, the owner, agent or manager is exempt from the provisions of this section.
- (d) *Sanitary Surfaces; Preparation and Storage Areas.* Countertops, food preparation surfaces, food storage pantries and cupboards shall be easily cleanable and free from holes, breaks or cracks that can leak, or may injure a person or may permit the harborage of insects and dampness that may promote the growth of bacteria.
- (e) *Floor Coverings; Tripping Hazards.* Floor coverings that are torn or loose and located on a stairway or within three (3) feet of a stairway shall be removed or repaired to prevent tripping. Tears in excess of six (6) inches and tears or projections rising one-quarter inch or more above the floor surface in any location present a tripping hazard and shall be repaired.

- (f) *Floor Coverings; Deteriorated, Unsafe, Unsanitary.* Floor coverings such as carpeting, tile, linoleum and similar materials shall be repaired or replaced when the floor covering is severely deteriorated or when the condition of the floor covering creates an unsafe or unsanitary environment.
- (g) *Landscaping.* Every rental housing unit shall have landscaping in all yard areas which are visible from a public street, alley or sidewalk or a neighboring property. Such landscaping shall be installed and maintained so as to enhance the appearance and value of the property on which it is located and shall not present a deteriorated or slum-like appearance.
- (h) *Exterior Areas; Tripping Hazards.* Every common area, sidewalk, driveway, parking lot and parking area of rental housing units shall be free from holes, depressions or projections that may cause tripping or may injure a person or otherwise present a hazard, including damage to a vehicle.

ARTICLE III

ADMINISTRATION AND ENFORCEMENT

Section 300. Commencement of Action.

- (a) The Community Development Department is assigned the primary responsibility of enforcing this chapter and is granted the authority expressly and impliedly needed and necessary for enforcement.
- (b) Nothing in this section shall preclude employees of the Community Development Department from seeking voluntary compliance with the provisions of this chapter or from enforcing this chapter, proactively or reactively, through warnings, citations, or other such devices designed to achieve compliance in the most efficient and effective manner under the circumstances.
- (c) The Community Development Department is authorized to recommend reasonable and necessary rules and regulations to carry out the provisions of this article which shall be approved by resolution of the Mayor and Board of Aldermen.
- (d) Any person who shall knowingly and willfully violate the terms, conditions or provisions of this ordinance, for violation of which no other criminal penalty is prescribed, shall be guilty of a misdemeanor and upon conviction therefor shall be sentenced to pay a fine not to exceed one hundred dollars (\$100.00), and in case of continuing violations without reasonable effort on the part of the defendant to correct same, each day the violation continues thereafter shall be a separate offense. The Police Department of City of Clinton is hereby empowered to act on behalf of the Director of Community Development if necessary and to issue a citation to violators who fail to respond within the warning time provided.

(e) Re-inspection fees will be as follows:

- 3rd inspection \$100.00
- 4th inspection \$200.00
- 5th inspection \$400.00
- 6th inspection without compliance - Citation to court

Section 301. Transfer of Property after Notice.

- (a) *Written Assumption of Responsibility.* The transfer of any or all property interest in any manner, including but not limited to, the sale, trade, lease, gift or assignment of any real property against which a citation has been issued or allegations of violations have been filed with the court shall not relieve the parties unless the legal entity assuming interest in such property, in writing, assumes responsibility for compliance with the notice to comply or alleged violations and a copy of such writing is presented to the city.
- (b) *Criminal Violation.* Any legal entity, real or statutory, who transfers the ownership interest in real property, against which a citation has been issued or allegations of violations have been filed with the court, shall be guilty of a class 1 misdemeanor unless they have obtained a written acceptance of responsibility for compliance with the citation or court action from the new owner.

Section 302. Vacation of Tenants; Re-occupancy.

- (a) *Comply Even if Vacated.* An owner, agent or manager served with a citation or enforcement proceeding for violations of article II of this chapter shall not be relieved from responsibility to comply because the tenant(s) have vacated the rental housing unit.
- (b) *Compliance Before Re-occupancy.* The owner, agent or manager of a rental housing unit shall not lease, rent or otherwise make available for occupancy by tenants any unit until such unit has been inspected and a new Certificate of Occupancy has been issued or against which a citation has been issued or an enforcement action has been instituted until the violations contained in the citation or enforcement proceeding have been corrected and a new Certificate of Occupancy has been issued. The Director of Community Development or designee may choose to forego the inspection of the units which historically have complied with all applicable codes and ordinances. EXCEPTION: Inspection will not be required for units that have passed inspections within the last twenty-four (24) months.

Section 303. In any case where a provision of this code is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the city, existing on the effective date of this code, the provision which establishes the higher standard for the promotion and protection of the health and safety of the community shall prevail.

Section 304. That all provisions of the ordinances of the City of Clinton in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other provisions of the ordinances of the City of Clinton not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 305. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

Section 306. This ordinance shall become effective after passage and thirty (30) days following publication. The City Clerk shall cause the ordinance to be published in a local newspaper with a general circulation.

The foregoing ordinance was proposed in a motion by Alderman Hisaw seconded by Alderman Barnett, and after discussion, no board member having called for a reading was brought to a vote as follows:

Alderman Jehu Brabham	voted: Aye
Alderman Tony Hisaw	voted: Aye
Alderman Tony Greer	voted: Absent
Alderman Bill Barnett	voted: Aye
Alderwoman Kathy Peace	voted: Aye
Alderman Mike Morgan	voted: Aye
Alderman Mike Cashion	voted: Absent

Whereupon, the motion having received a majority of affirmative votes, the Mayor of the Board of Alderman declared that the Ordinance had been passed and adopted on this the 7th day of May, 2013.

**CITY OF CLINTON,
MISSISSIPPI**

By:

Rosemary G. Aultman, Mayor

ATTEST:

Russell Wall, City Clerk

ORDINANCE 2005 (5)

AN ORDINANCE REGULATING RESIDENTIAL RENTAL PROPERTY, PROVIDING LICENSING REQUIREMENTS, INSPECTION REQUIREMENTS PROVIDING DEFINITIONS AND REGULATIONS, ESTABLISHING FEES, AND ESTABLISHING AND EFFECTIVE DATE

Section 1-1. Purpose

It has been determined that a significant amount of the housing stock in the City of Petal consists of residential rental property and that current inspections of residential rental property are triggered only when the city receives complaints regarding alleged violations of relevant federal, state and local laws and regulations. Further, the City of Petal is committed to protecting the safety, health and welfare of its residents and is desirous in eliminating residential housing blight by requiring the licensing and inspection of all residential rental property in accordance with the provisions of this ordinance.

Section 1 -2. Definitions

Basement shall mean a portion of a building located partly underground, but having less than one-half (1/2) of its clear floor-to-ceiling height below the average grade of the adjoining ground. Where the contour of the ground level immediately adjacent to the building is interrupted by ditching, pits, or trenching, the average adjoining ground level shall be the nearest contour line parallel to the walls of the building without regard to the level created by ditching, pits, or trenching.

Building Inspector means the city employee responsible for ensuring compliance with all local codes and ordinances, is authorized to administer the licensing and inspection of residential rental property and works at the discretion of the Mayor and Board of Alderman.

Cellar shall mean a portion of a building located partly or wholly underground, and having one-half (1/2) of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Code Enforcement Officer means a city employee who conducts rental housing property inspections for purposes of determining whether such property complies with the minimum housing code standards as outlined in the city's applicable regulations.

The code enforcement officer works under the direction of the building inspector.

Common Areas means those interior and exterior areas of the residential rental property as defined herein of which the occupants have access, including, but not limited to, entrances, exits, hallways, stairways, basements, cellars, laundry rooms, attics, porches and yards.

Dwelling shall mean any building located in the city, which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided that temporary housing as hereinafter defined shall not be regarded as a dwelling. For purposes of this ordinance, the term shall be synonymous with "residential rental property".

Dwelling Unit shall mean any room or group of rooms located within a dwelling, and forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking and eating.

Occupant shall mean any person, over one year of age, living, sleeping, cooking, or eating in, or having actual possession of a dwelling unit or rooming unit.

Owner shall mean any person who, alone or jointly or severally, with others;

1. Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
2. Shall have charge, care, or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Article, and to the rules and regulations adopted pursuant thereto, to the same extent as if he was the owner.

Person(s) shall mean and include any individual, firm, corporation, association, or partnership.

Premises means the entire interior and exterior portions of a dwelling including the common areas thereof; and facilities and appurtenances therein, and grounds, areas and facilities held out for the use of occupants generally, or whose use is promised to the tenant/occupant.

Property includes all lands, including all structures, improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith.

Residential Rental Property means any dwelling not occupied by the owner of record.

Rooming House shall mean any dwelling, or that part of any dwelling, containing one or more rooming units in which space is let by the owner or operator to four (4) or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator; provided that hospitals, homes for the aged, and other institutions licensed by the state department of health, shall not be regarded as rooming houses or as subject to the provisions of this ordinance.

Rooming Unit shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Temporary Housing shall mean a tent, trailer, or similar structure that is used as human shelter for not more than thirty (30) consecutive days, or more than ninety (90) total days, in any calendar year.

Section 1 –3. License Required

Upon adoption of this ordinance, it shall be unlawful for owner(s) of applicable residential rental property located within the City of Petal to operate/rent such property without obtaining a residential rental property license. This section shall apply to the following residential rental property classifications:

1. owner occupied dwellings containing a unit inhabited by the owner and one (1) or more rental unit(s)
2. all non-owner occupied dwellings except as provided for by licensing through the state department of health.

Renting/operating residential rental property without a license to do so constitutes a violation of this Ordinance, and is subject to the penalties set forth in this ordinance that follows.

Section 1 –4. Inspections Required

The following residential rental property classifications must pass an inspection by the city building inspector or his designee before a residential rental property license is issued:

1. owner occupied dwellings containing a unit inhabited by the owner and one (1) or more rental unit(s)
2. non-owner occupied dwellings except as exempted by licensing through the state department of health.

Section 1 –5. Fees

Before a residential property license is issued, the residential rental property owner or his agent must pay a license fee as provided for in the section entitled fees and charges Section 1 – 17.

1. A residential rental property owner will be charged a fee if a code inspector has to return to the owner's residential rental property more than once to determine whether all defects detected in the inspector's initial inspection have been repaired. The fee shall be set at twenty-five dollars (\$25.00) per additional inspection.
2. A residential rental property owner will be charged a ten dollar (\$10.00) per unit fee if he or his agent fails to appear for the first scheduled residential rental property inspection without just cause as determined by the Building Inspector or his designee. Failure to attend subsequently scheduled inspections may result in penalties as set forth in Section 1 – 13 herein.

The owner or his agent must pay all of the above applicable fees before he is issued a residential rental property license.

Section 1 –6. Inspection Standards

- A All inspections will be performed according to a defined checklist of quality of life and life safety issues as outlined in the corresponding regulations.
- B In order to obtain a residential rental property license, said property must pass an inspection involving its dwelling units, common areas, basement where applicable, exterior and yards. A license will only be issued if the property meets the minimum housing code standards as outlined in the city's regulations.
- C The owner or his agent must be present at each inspection of the residential rental property. Additionally, he must give at least seven (7) days notice of the inspection to the tenant(s) residing within the residential rental property unit(s).
- D Each tenant shall have the option(s) of allowing access into his rental unit for purposes of an inspection, and to be present at the inspection(s) of said unit.
- E The Building Inspector will have discretion to select and inspect a representative sampling of rental units, (never less than twenty percent (20%)), within residential rental property containing at least five (5) such units for purposes of inspection.
- F Such selection is restricted to those rental units that have been authorized for inspection by their respective tenants. An administrative warrant is needed in order to inspect rental units that have not been authorized for inspection by their respective tenants.
- G If the Building Inspector or his designee finds that the residential rental property complies with minimum housing code standards as outlined in the inspection checklist, the Building Inspector shall issue a residential rental property license to the owner of that property or his agent.
- H If the Building Inspector or his designee finds that a residential rental property has any life threatening health and/or safety defects, he will immediately present his findings to the owner or his agent by identifying all existing life threatening defects relating to said property on the licensing inspection form, leaving a signed and dated copy of it with the owner or his agent before concluding said inspection. The residential rental license for that property will be denied or revoked, as appropriate, and the Building Inspector will notify the Mayor and Board of Alderman that the tenant(s) should be immediately relocated. The residential rental property unit(s) directly affected by any life-threatening defect shall not be reoccupied unless and until it is repaired, and the Building Inspector issues or reinstates the license in writing. The residential rental property owner will be liable for the tenants' relocation costs, including those relating to shelter, moving and storage, and must pay all such costs before the license to operate/rent the residential rental property is issued or reinstated. Any residential rental property owner who fails to reimburse the city for these costs may be penalized pursuant to Section 1 – 13 of this ordinance.
- I If the Building Inspector or his designee finds that a residential rental property has any non-life threatening health and/or safety defects, he will immediately present his findings to the owner or his agent by identifying all existing defects on the licensing inspection form, leaving a signed and dated copy of it with the owner or his agent before concluding said inspection. The residential property owner will be given thirty (30) days to have all the defects repaired, unless the Building Inspector or his designee deems that a shorter or longer period of time is needed to

effectuate the repairs. Once the time allowed for repairs expires, the Building Inspector or his designee will re-inspect the residential rental property. If any defect remains, the Building Inspector will have discretion to provide the owner or his agent with additional time to repair it, or order alternative measure(s), including penalizing said owner pursuant to Section 1 – 13 of this ordinance.

- J Each tenant shall be responsible for maintaining his respective rental unit in a clean and sanitary condition, and abide by all duties imposed on him by all applicable federal, state and local laws and regulations including the any applicable ordinances by the City of Petal. A tenant will be liable for all damages that he causes to the residential rental property. If the Building Inspector or his designee finds that a tenant is responsible for damages that are detected during the inspection of the residential rental property, the inspector may issue a citation and proceed to collect the associated fine as determined by a court proceeding.
- K If repairs are not made within the designated time limit, a fine may be retroactively applied to the date that the residential rental property owner or his agent received the completed licensing inspection form identifying the existing defect(s) up to a period of thirty (30) days.
- L No residential rental property license will be issued to a residential rental property owner unless and until the Building Inspector or his designee finds that all defects concerning that property have been repaired.

Section 1 – 7. Consent

Before the Building Inspector or his designee can inspect a residential rental property unit, the tenant(s) of such unit must consent to its inspection. If such tenant(s) object to such inspection, the Building Inspector or his designee must obtain an administrative warrant before the Building Inspector or his designee can conduct an inspection of that unit.

Section 1 – 8. License Effect

The Building Inspector or his designee will use a checklist of specific housing criteria when inspecting the residential rental property. That criterion is outlined in the city's ordinances and regulations developed pursuant to the International Building Code for all residential properties. The issuance or reinstatement of a residential rental property license shall constitute proof that the inspected property meets the minimum housing code standards contained in that criteria.

Section 1 – 9. Term of License

The residential rental property license term shall be effective for two (2) years commencing from the license issuance date unless otherwise voided as a result of a subsequently discovered defect, a property transfer or other just cause as determined by the Building Inspector. Once the license term expires, the property title is transferred, or a license is otherwise voided, the license must be renewed or reinstated, as appropriate, in order to be effective.

Section 1 – 10. Regulations

The Building Inspector shall develop regulations for the licensing and inspection of residential rental property. The regulations may be amended from time to time with the approval of the city's board of aldermen. The license issuer shall have copies of the regulations available for the public.

Section 1 – 11. Transfer of License

Licenses are not transferable. If the ownership of a licensed residential rental property changes, the new owner(s) of such property must apply for a new license, and the residential rental property must be re-inspected.

Section 1 – 12. Enforcement

The Building Inspector or his designee is empowered to enforce the provisions of this ordinance of the City of Petal.

Section 1 – 13. Penalties

- A A violation of any of the provisions of this ordinance may result in a civil fine of one hundred dollars (\$100.00) per day per unit for each day that such violation continues up to thirty (30) days, or the maximum amount allowed under the Mississippi Annotated Code of 1972 as amended, whichever is greater.
- B The city may file a lien against residential rental property if the owner of such property or his agent fails to pay a fine within thirty (30) days of the date in which it was imposed. The amount of the lien may be calculated on the basis of the existing fine plus associated costs including legal fees incurred in connection with this action.
- C Nothing herein shall prevent the city from seeking any other means available at law or in equity in order to enforce this ordinance's provisions.

Section 1 – 14. Conciliation Board

The Mayor and Board of Alderman may appoint a conciliation board to resolve disputes arising from the application of this article before formal appeal or court involvement. The board will meet on an as needed basis, and function as an impartial and informal hearing tribunal that deals with minor issues voluntarily brought before

it, including but not limited to, a tenant's refusal to provide access to his dwelling unit, and decisions negatively affecting a residential property owner (i.e. the Building Inspector's refusal to issue a license to such owner because of defect(s) discovered with respect to his property dispute). Any interested person may seek relief from this board as an alternative resolution mechanism. The request for relief must be written and filed with the conciliation board within ten (10) days of the challenged dispute. The committee shall be comprised of four (4) persons: one (1) city employee associated with the city's building inspection department, one (1) representative from a local attorney's office, one (1) neutral property owner (not involved in residential property rental) and one (1) alderman selected by the Mayor and Board of Alderman. No conciliation proceeding shall extend beyond thirty (30) days. Board decisions are not binding, and may be appealed in accordance with this ordinance's appeals section. In cases in which the conciliation board's vote results in a tie, the appeals process will be immediately initiated.

Section 1 – 15. Appeals

Any person aggrieved by a denial of a residential rental property license, or by the license's terms or conditions, or by the suspension, cancellation or revocation of such license, may appeal such action to the Mayor and Board of Alderman by filing a written notice of intent to appeal within ten (10) calendar days of receipt of the written notice of the disputed action.

Section 1 – 16. Applicability

The provisions of this ordinance apply to any other ordinances, articles or sections of the Code of Ordinances of the City of Petal that incorporate them by reference.

Section 1 – 17. Fees and Charges

Residential Rental Property License Fees (based on the number of dwelling units for multi-family and apartments or based on the total number of single-family residential rental properties per owner, (ie. Fred Smith owns nine (9) single-family residential rental units and one (1) ten unit apartment complexes-his total license fee is \$200.00 for the two year term.)

One to Three Units:.....	\$50.00
Four to Ten Units:.....	\$100.00
Eleven to Twenty Units:.....	\$200.00
Over Twenty Units:.....	\$300.00

Effective Date

This Ordinance shall take effect and be in force **thirty (30) days** from and after its passage.

The above and foregoing Ordinance, was first reduced to writing, and the same was then introduced and read and a vote was taken thereon, first section by section and then upon the foregoing Ordinance as a whole, with the following results:

Those present and voting "AYE" and in favor of the passage, adoption, and approval of the above and foregoing Ordinance:

- Alderman David Clayton
- Aldermen Kay Fairley
- Alderman James Moore
- Alderman Steve Stringer
- Alderman Liesa Weaver

Those present and voting "NAY" or against the passage, adoption and approval of the this Ordinance:

None

Those present and voting "AYE" and in favor of the adoption of the foregoing Ordinance, as a whole:

- Alderman David Clayton
- Aldermen Kay Fairley
- Alderman James Moore
- Alderman Steve Stringer
- Alderman Liesa Weaver

Those present and voting "NAY" and in favor of the adoption of the foregoing Ordinance, as a whole:

None

Whereupon, the foregoing Ordinance be, and the same is hereby passed, adopted, and approved, on this,

*Repeat offender
distinguish from
commercial*

CITY OF MCCOMB CITY

RENTAL HOUSING CODE

Passed and adopted by the Board of Mayor and Selectmen on August 27, 2013,
effective date of October 1, 2013

Sec. 26-402. Registration Required

- a) It shall be unlawful for any person and/or entity to maintain or operate any rental housing unit or units within the City of McComb unless such person or entity has registered the property.
- b) The annual registration fee shall be twenty-five dollars (\$25.00) per dwelling unit payable upon application for registration. A late penalty fee will be assessed in the amount of \$10 per unit multiplied by the number of months the registration is past due. A fee of \$350 will be assessed for failure to register a dwelling unit within (90) days of expiration of annual registration fee. Each person or entity who operates an office within the City of McComb must also obtain a Privilege License as required by the City of McComb for operation of a business pursuant to State Statute 27-17-9.
- c) Annual Registration. Application for an annual rental housing registration shall be filed with and issued by the Privilege License Division in City Hall. The application shall be in writing, signed by the property owner, agent or designee and shall include the following:
 - (1) The name and address of the applicant;
 - (2) Proof of ownership must be provided if the information provided differs from Pike County Records;
 - (3) The location and parcel number of the property on which the rental housing unit is located;
 - (4) For new construction, a complete site plan of the complex showing it is in conformity with the requirements included within this Rental Housing Code;
 - (5) For new construction: plans and specifications of all buildings, improvements and facilities to be constructed within the rental housing complex or on the same property as the rental housing unit.
 - (6) Such other information as may be requested by the Inspections and Zoning Department to enable it to determine if the proposed rental housing unit or complex will comply with all codes and ordinances adopted by the City of McComb.

Registration No. _____

Parcel/PPIN No. _____

**CITY OF MCCOMB CITY ANNUAL RESIDENTIAL RENTAL
PROPERTY REGISTRATION FORM**

Registration Fee Period: October 1, 2013 to September 30, 2014

115 Third St. McComb, Mississippi 39648

PHONE: 601-684-4000

WEB: mccomb-ms.gov

Owners Contact Information (Indicate Registered Agent if owned by a Corporation)

☐ Check here if contact information has changed

Owner's Name: _____

Mailing Address: _____
Street

Mailing Address: _____
City State Zip Code

Telephone: _____ Cell: _____

Fax: _____ Email Address: _____

Local Agent Information: If the Owner does not reside within 60 miles of the rental unit OR is not able to be contacted on a 24-hour basis, the Owner must provide information for a Local Agent who resides in Pike County or an adjoining County AND is able to respond reasonably in the event of an emergency on a 24-hour basis:

☐ Check here if contact information has changed

Agent's Name: _____

Mailing Address: _____

Telephone: _____ Cell: _____

Fax: _____ Email Address: _____

Fee Schedule

Number of Units: _____ @ \$25.00

Total Amount Due: _____

Unit Type: (please circle all that apply)

Single Family ☐

Duplex ☐

Three-Plex ☐

Four-Plex ☐

Multi-Family ☐

Terms of Residential Rental Registration Program

By signing this form the Owner and Local Agent (if applicable) agree to comply with the following terms:

- NO OWNER SHALL BE ALLOWED TO REGISTER ANY PROPERTY IF THE OWNER HAS OUTSTANDING VIOLATIONS, FEES AND/OR FINES DUES AND OWING TO THE CITY OF MCCOMB.
- Any changes occurring in ownership of a rental unit shall require the new owner to apply for registration within 30 days of taking ownership.
- No rental unit shall be rented or leased or offered for rent or lease in a manner which would result in violation of the occupancy levels permitted by the 2006 ICC Property Maintenance Code, City of McComb Code or a Certificate of Occupancy.
- That both the interior and exterior of each rental property shall be periodically inspected by the Department of Inspections and Zoning.

FAILURE TO REGISTER

That failure to adhere to these terms and others outlined in the adopting Ordinance may result in violation of the Rental Registration Ordinance in a \$350 fine.

I hereby declare under penalty of perjury that all information given on this application for the purpose of securing a Certificate of Residential Rental registration, and determining the amount due is true and correct.

Signature of Owner OR Owner's Agent

Date

Approved by

Date

RENTAL UNIT ADDRESS	CERTIFICATE OF OCCUPANCY NUMBER	DATE ISSUED

Could name of Tenant be listed?

pt 1

<http://www.dos.ny.gov/cns/lu05.htm> (from New York State Department of State General Counsel)

DEFINITION OF "FAMILY" IN ZONING LAW AND BUILDING CODES

An appropriate definition of "family" is basic to density and use prescriptions of zoning laws and to the applicability of building code laws. This memorandum discusses the definition in the context of such laws.

ZONING

Any successful zoning scheme which purports to create and attain a single-family zoning district must contain a definition of family. Dating back to 1974, the U.S. Supreme Court and many state courts, including our New York Court of Appeals, have examined the question of the definition of family, both in enforcement proceedings and in declaratory judgment actions.

This line of family definition cases has followed a very traditional path of analysis. Courts have carefully looked for some reasonable relationship between the zoning regulation and the goals sought to be achieved by the regulation. Generally, they first examine the goal sought to be achieved to see if it furthers a legitimate governmental objective. They then proceed to scrutinize whether the means designed to reach that end -- in this case a definition of family-- are reasonable.

Courts have regularly found a legitimate purpose in zoning regulations which are aimed at achieving a homogeneous, traditional single-family neighborhood. "A quiet place where yards are wide, people few, and motor vehicles restricted are legitimate guidelines in a land-use project addressed to family needs," according to the U.S. Supreme Court in *Village of Belle Terre v. Boraas*, 416 U.S. 1, 9, 94 S Ct 1536, 39 L Ed 2d 797 (1974), a case which upheld, as constitutional, a zoning definition of family against a challenge that it violated the equal protection clause.

To preserve this quiet neighborhood character, many municipalities have enacted definitions of "family" to exclude groups of individuals who, it is perceived, degrade the single family district. For example, in college towns or resort areas, municipalities are often concerned about fraternities and other groups of unrelated college students living together in crowded conditions in single family areas. Such living conditions can cause parking, noise, litter and congestion problems. Many local governments, therefore, have enacted restrictive definitions of family within their zoning and building codes, and enforce these provisions against groups who do not meet the "family" definition, in an effort to keep out those who would otherwise cause or contribute to unwanted neighborhood impacts. Unfortunately, these definitions occasionally exclude persons who should properly be included within the term "family."

Both the U.S. Supreme Court and the New York Court of Appeals have not hesitated to strike down zoning definitions of "family" which are so narrowly drawn as to exclude certain family members or families which are not biologically related or are non-traditional. In so doing, the courts, in their opinions, have furnished guideposts which communities can follow in crafting a definition of family which meets constitutional due process requirements.

Courts have not abided restrictive definitions of "family" which keep out certain types of families. For example, the definition of family may not be so restrictive as to exclude from its scope family members who are not expressly listed, such as cousins, uncles, aunts, nieces and nephews. The United States Supreme Court, in *Moore v. City of East Cleveland*, 431 U.S. 494 (1977), held that, in keeping with due process, a zoning ordinance may not differentiate between relatives of varying degrees of kinship. In his lead opinion, Justice Powell commented that: "The tradition of uncles, aunts, cousins, and especially grand-parents sharing a household along with parents and children has roots equally venerable and equally deserving of constitutional recognition." 431 U.S. at 504. Due process, then, would seem to require that any such definition eliminate distinctions among familial degrees.

In the case of *City of White Plains v. Ferraioli*, 34 N.Y.2d 300, 357 N.Y.S.2d 449 (1974), the New York Court of Appeals held that a group home with ten foster children, headed by the natural parents of two additional children, could together constitute a "family." The Court invalidated a restrictive definition of family limited to blood relatives and



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- Code Enforcement
- Community Resources Program
- Elections and Voter Information
- Forms and Applications
- Legal Notices
- Ordinances
- Media Room
- Township Projects
- Get Connected
- Organizations and Affiliations
- Contact Us
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- Accounting & Budgeting
- Administration
- Assessing
- Communications
- Clerk's Office
- Community Planning & Development

Rental Housing Division

The Rental Housing Division performs inspections of rental housing units and maintains related records to ensure compliance with the Township's ordinances and adopted codes.

Inspections are done in compliance with the International Property Maintenance Code, Meridian Township Code of Ordinances, and the Michigan Building and Residential Codes.

Registration & Inspections for Existing Rental Properties:

- Rental properties must be registered annually on or before January 31 of each year.
- One and two family dwellings will be inspected each year. Structures containing more than 8 units will have 1/3 of the units inspected each year. The common areas of all rental complexes shall be inspected each year.
- Inspections will be conducted during normal business hours.
- To change or cancel a rental inspection, 48 hour notice is required to avoid a fee. Changes and cancellations may not be done by the tenant.
- Violations found may require a re-inspection. A fee will be charged for re-inspection.

Rental Exceptions:

Rental registration may not be required under the following circumstances:

- Family Occupancy
- House sitting
- One (1) and two (2) family dwelling sales
- Exchange student, visiting clergy, medical

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Rental Housing Inspectors
Frank Christmas
p: 517.853.4520
christmas@meridian.mi.us

Kevin Reed
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kreed@meridian.mi.us

5151 Marsh Road
Okemos, MI 48864

Main: 517.853.4540
Fax: 517.853.4095

Fire Department
Human Resources
Police Department
Public Works & Engineering
Treasurer's Office

caregiver, child care
• Estate representative

A request for an exception including documentation must be submitted to and granted by the Department of Community Planning & Development.

Property Owner's Responsibilities:

1. Ensure the rental property has been registered, the required documents have been filed and the appropriate fees are paid.
2. Promptly notify, in writing, the Department of Community Planning & Development, Rental Housing Division, of any changes in rental status or notification information, including the sale or transfer of ownership of the property.
3. Requests for extensions or rescheduling of inspections must be made at least 48 hours prior to the inspection. These requests are subject to approval by the Department of Community Planning & Development.
4. Rental property owners are responsible for the maintenance and upkeep of the property and structure(s), and should conduct their own periodic inspections and correct potential code violations.

Failure to comply with the provisions of the Rental Housing Ordinance is punishable as a Municipal Civil Infraction.

A property owner may not rent a dwelling or dwelling unit unless the dwelling or dwelling unit is registered with the Township's Department of Community Planning and Development, Rental Housing Division.

Initial Rental Registration Requirements:

The initial registration of any rental property will require at least the following information on forms provided by the Township:

1. Registration Form
 - The address of the rental property with the number of rental units contained therein.
 - If the rental units are within a complex of buildings, the property manager's address must also be included.
 - If applicable, the number of buildings in the rental complex.
 - The number of rental units per rental dwelling, the total number of rooms per rental unit and the number of bedrooms per rental unit.
2. A floor plan of the dwelling, showing the number, size, and location of habitable and occupiable rooms, as well as those areas which are not to be occupied. All exits, basement and attic egress windows and entryways to the unit hall be shown.
3. Initial registration fee.

Initial Registration & Inspections:

- Sixty (60) days following the acceptance of an application for initial rental registration an inspection of the building(s) and property will occur.

- The inspection will insure compliance with those codes as adopted by the Township and the State of Michigan regarding building, plumbing, mechanical, electrical and fire safety. Inspections will be conducted during normal business hours.
- Violations found during the inspection may require a reinspection. A time frame to correct the violations will be specified by the inspector.
- Rental property owners shall be required to pay a fee for registration. However, the inspection fee and one (1) reinspection fee will be waived for the initial registration.

Forms and Applications available through the Rental Housing Division.

Official Web site of the Charter Township of Meridian, 5151 Marsh Rd, Okemos MI 48864-1198 Phone 517 853-4000
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P42

I. Guidelines to Drafting a Definition of Family

In light of the numerous state and federal court decisions on the subject of defining "family," some guidelines may be gleaned as to constitutionally permissible standards.

1. Preservation of the character of single-family areas remains a legitimate purpose of zoning.
2. Zoning may not exclude a group which "in every but a biological sense is a single family" (White Plains, *supra*); or a household "which poses no threat to the goal of preserving the character of the traditional single-family neighborhood" (McMinn *supra*).
3. Court decisions have indicated that the "factual and functional equivalent" of a traditional family of unrelated persons may be evidenced by the following:
 1. single housekeeping unit;
 2. more or less permanent living arrangement;
 3. stable, rather than transient living arrangements (except where the handicapped are affected);
 4. a group headed by a householder caring for a reasonable number of children as one would be likely find in a biologically unitary family (White Plains 34 N.Y.2d at 306).

II. Techniques for Drafting Definitions

1. Some municipalities have attempted to define "family" to comply with court decisions by providing for discretionary review of groups of unrelated persons greater than a specified number to ensure that they are the functional equivalent of a family.

Under this approach, the municipality defines all related persons and a specific number (e.g. - four) of unrelated individuals as constituting a "family." For groups of greater than four (4) unrelated individuals to constitute a "family," the group would have the burden of proving to an administrative official or entity (such as a zoning official or the board of appeals) that they meet the criteria set forth in the zoning regulations to show that are a "functionally equivalent family." Such an approach is consistent with the cases indicating that defining a "family" of unrelated persons is a factual decision.

Many municipalities in New York have adopted this discretionary review technique for defining family. For example, the City of Poughkeepsie zoning ordinance, in its definition of "family," contains a rebuttable presumption that 4 or more unrelated persons living in a single dwelling do not constitute the functional equivalent of a traditional family. The ordinance provides an opportunity for applicants to convince the Zoning Administrator that the group is the functional equivalent of a traditional family. The factors which must be considered by the Zoning Administrator are whether the group:

1. shares the entire house
2. lives and cooks together as a single housekeeping unit
3. shares expenses for food, rent, utilities or other household expenses, and
4. is permanent and stable.

Such an approach has met with success in the courts. In *Unification Theological Seminary v. City of Poughkeepsie*, 201 A.D.2d 484, 607 N.Y.S.2d 383 (2nd Dept. 1994), the Appellate Division upheld the City of Poughkeepsie's definition of "family" against a challenge that it violated the Due Process Clause. The Court held that it was valid to use a rebuttable presumption to establish which groups of unrelated individuals should be considered a family. For those municipalities

New York State), community residences for 14 or fewer mentally disabled persons, operated by or subject to licensure by the Office of Mental Health or the Office of Mental Retardation and Developmental Disabilities, shall be classified as one- or two-family dwellings.” This reflects the requirements of subdivision (f) of Mental Hygiene Law §41.34, which provides that “(a) community residence established pursuant to this section and family care homes shall be deemed a family unit, for the purposes of local laws and ordinances.”

See also section 4002 (2-b) of the Public Health Law, which defines the term “hospice residence” as “a hospice operated home which is residential in character and physical structure and operated for the purpose of providing more than two hospice patients but not more than eight hospice patients with hospice care, which may include dually certified hospice in-patient beds” (emphasis added). Residential Code of New York State § 101.2.2, entitled “Hospice residences,” provides that the Residential Code of New York State applies to “(a) one-or two-family dwelling operated for the purpose of providing care to more than two but not more than eight hospice patients, created pursuant to Article 40 of the Public Health Law, and as defined in §4002 of said Law.”

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