

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.

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 da 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 ant 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