

RENTAL HOUSING CODE

ARTICLE I GENERAL REGULATIONS

Section 100. Scope.

This code shall apply to all rental housing units located within the City of Horn Lake, Mississippi, including manufactured homes, single family homes and multifamily units. The intent of this code is to establish base standards for rental housing in Horn Lake 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 Planning Department for the City of Horn Lake 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 Planning Department or other employees of the City of Horn Lake.

Section 102. 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

- 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) **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.
- 5) **Certificate of Compliance:** 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 twelve (12) months.
- 6) **Change of Occupancy:** When a rental unit is vacated and is occupied by a new tenant.
- 7) **City:** The City of Horn Lake, Mississippi.
- 8) **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.
- 9) **Dwelling:** Means an enclosed occupied or unoccupied space designed as or being used as permanent living facilities, including single family and multifamily dwellings, accessory use areas, manufactured and mobile homes.
- 10) **Exterior Opening:** Means an open or closed window, door or passage between interior and exterior spaces.
- 11) **Failure to Comply:** Means a failure, refusal, or neglect to obey an official order or comply with any adopted ordinance of the City of Horn Lake.
- 12) **Fee schedule:** The schedule of fees established by resolution or ordinance of the Board of Aldermen. The Board of Aldermen may from time to time modify this schedule of fees as necessary.
- 13) **Gang Boxes:** Means a group of postal service mail boxes clustered together serving a residential area.
- 14) **Glazed:** Means fitted with glass.
- 15) **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.
- 16) **IPMC:** Is the International Property Maintenance Code adopted by the City of Horn Lake.

- 17) **Impervious:** Means incapable of being penetrated or affected by water or moisture.
- 18) **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.
- 19) **Inoperable Vehicle or Junk Vehicle:** Is a vehicle which is physically incapable of operation, stripped, substantially damaged, discarded or unable to be safely and legally operated.
- 20) **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.
- 21) **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.
- 22) **Legal Entity:** An association, cooperation, partnership, or individual that has legal standing in the eyes of the law.
- 23) **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, and design of a licensed contractor or manufacturer's recommendation.
- 24) **Manager:** Means any person who has charge, care or control of a rental housing unit.
- 25) **Occupant:** Means any person living in, sleeping in or possessing a rental housing unit.
- 26) **Owner:** Means a person, persons or legal entity listed as the current titleholder of real property, as recorded in the official records of Desoto County, Mississippi.
- 27) **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.
- 28) **Proof of Ownership:** A title or deed to a piece of property signed by a notary public.
- 29) **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.
- 30) **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.
- 31) **Sound Condition:** Means free from decay and/or defects and in good working condition.
- 32) **Specific Lighting:** Means artificial illumination which was designed and installed to provide adequate lighting for a specific area.
- 33) **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
- 34) **Vehicle:** Is an automobile, truck, trailer, camper, recreational vehicle, boat or motorcycle.

Section 103. Rental Registry

There is hereby created the Horn Lake Rental Registry established for the purpose of listing all rental housing units in the City of Horn Lake.

Section 104. 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 Horn Lake unless such person or entity has registered the property.

Section 105. Registration Fee.

- (a) Fees relative to the administration of this ordinance are set forth herein, which may be amended from time-to-time by the Board of Aldermen by amendment of the same or by inclusion in other codified Fee Schedules that may hereafter incorporate and/or amend fees for this purpose.
- (b) 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 \$250 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 Horn Lake must also obtain a Privilege License as required by the City of Horn Lake for operation of a business pursuant to State Statute 27-17-9.

Section 106. Annual Registration Application.

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

- (1) The name, address of the applicant, work and home telephone number or other available contact;
- (2) Proof of ownership must be provided if the information provided differs from Desoto 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 Planning 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 Horn Lake.

(b) **Inspection Required before Registration.** Before any registration is issued by the Planning 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, whichever occurs first. All utilities must be turned on at the time of the inspection in order to inspect all systems, appliances and equipment.

- i. The rental housing inspector shall within thirty (30) business days of receipt of the registration application, either issue a certificate of registration or notify the owner that the application does not comply with the requirements of this ordinance.
- ii. The rental housing inspector may, at any time, require additional relevant information of the owner or property agent to clarify items on the application of registration.
- iii. If a violation(s) exist that require correction then the violations must be corrected and a re-inspection must be completed before an inspection certificate will be issued. Re-inspection fee(s) for residential rental property are as prescribed in the schedule of fees.

(c) **Classification of Rental Property.** After completion of the first inspection, the residential rental

property will be given a rating as follows and re-inspection intervals will be determined by the most recent rating the rental property received. All rental properties will be inspected according to classification but will register every year.

- i.* Class A – The residential rental property is in excellent condition and has minor or no violations of applicable city codes requiring re-inspection. The property will be inspected every 3 years thereafter.
 - ii.* Class B – The residential rental property is in good condition and has minor violations of applicable city codes requiring re-inspection and the violations do not pose an immediate threat of danger to life, health and safety of the occupants of the property. The property will be inspected every 2 years thereafter.
 - iii.* Class C – The building is in sound condition and has major and minor violations of applicable city codes, requiring re-inspection and that do not pose an immediate threat of danger to the life, health or safety of the occupants of the property. The property will be inspected every year thereafter.
- (d) **Registration Renewal.** Upon application in writing for renewal of a registration issued under this chapter and upon payment of the annual registration fee, the Planning Department shall issue a certificate renewing such registration for another year. The Planning 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.
- (e) **Registration Transfer.** A residential rental property registration is not transferable to a new owner. Each new owner of a residential rental property shall make application of registration with the rental housing inspector within ten (10) calendar days following the date on which ownership of a residential rental property was acquired.

Section 107. Registration Revocation.

The Administrator 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 108. 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. Based upon probable cause, 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 of Inspection.** 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 Compliance. 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 Horn Lake 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. Minimum General Requirements for Residential Rental Property

(a) The following items constitute minimum general requirements for residential rental property. If any residential rental property has one or more of the following conditions then it does not comply with the minimum general requirements listed herein and shall be considered a nuisance and a violation this ordinance.

- (1) No operating heating facilities between November 1 and March 30 of any year;
- (2) No potable water service;
- (3) No hot water supply;
- (4) No electricity;
- (5) Presence of rodents, mice or other infestations;
- (6) Failing or failed primary structural members that threaten the stability of the dwelling and/or structural defects that appear to render the structural members ineffective;
- (7) Improperly operating or no sanitary facilities;
- (8) Presence of raw sewage or open sewer, inside the dwelling, whether from broken, plugged or inoperative fixtures or pipes inside the dwelling, or migrating into the dwelling from outside;
- (9) Primary means of exit or escape in the event of fire or other emergency is blocked or structurally unsafe;
- (10) Absence of fully operational smoke alarms, as required under the regulations of the City of Horn Lake and the International Residential Code.
- (11) Absence of garbage and sanitation receptacles as required by city ordinance.
- (12) Absence of access directly to the outside or to a common corridor. Bedrooms must have at least on 5.7 square foot operational window, or an exterior door that is operable from the inside. Exterior windows must be free of defects, capable of opening and closing, and have working locks.
- (13) The interior of the residential rental property is not free from rubbish and garbage.

**ARTICLE III
ADMINISTRATION AND ENFORCEMENT**

Section 300. Commencement of Action.

(a) The Planning 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 Planning 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 Planning 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 less than one hundred dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), 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 and subject to the statutory penalty of 90 days in jail. The Police Department of City of Horn Lake is hereby empowered to act on behalf of the Director of Planning if necessary 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 \$200.00

4th inspection \$300.00

5th inspection \$400.00

6th inspection without compliance -Citation to court

Section 301. 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 Planning Director 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 302. Transfer and Terminations of Certificate of Compliance

Upon receipt of a written notice that the owner will begin to occupy a unit, or upon written notice and documentation of a sale, transfer or conveyance of a rental dwelling to a new owner who will occupy the premises with no portions rented, the Department shall terminate any certificate of rental compliance and remove the dwelling unit from the City's registry of rental dwellings.

Section 303. Conflict

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. Repealer

That all provisions of the ordinances of the City of Horn Lake 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 Horn Lake not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 305. Validity

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. Effective Date

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.